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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

15° VICTORIÆ, 1852.

VOL. CXXI.

COMPRISING THE PERIOD FROM

THE THIRTIETH DAY OF APRIL,

TO

THE THIRD DAY OF JUNE, 1852.

Third Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1852, IN THE FIFTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, April 30, 1852.

MINUTES.] *Sat first.*—The Lord Dynevor, after the Death of his Father.

PUBLIC BILLS. — 1^a Repayment of Advances (Ireland) Acts Amendment.

Reported.—Copyright Amendment.

3^a Exchequer Bills; Sheep, &c. Contagious Disorders Prevention.

GENERAL ROSAS.

THE EARL of MALMESBURY rose for the purpose of removing a misapprehension from the mind of the noble Marquess opposite (the Marquess of Clanricarde), who had asked him yesterday whether any and what orders had been issued from the Treasury relative to the reception to be given to General Rosas. As it was now six weeks since that order was issued, he could not at the moment charge his memory with the precise words in which the Treasury Order was couched; but, on referring to the document itself, he found that it ran nearly in these words: "I am directed by the Secretary of State for Foreign Affairs to request that you will give orders to the officers of Customs at Southampton, Portsmouth, and Plymouth that, on the arrival of General Rosas and his daughter, they be treated, so far as regards the passing of their baggage, with all the consideration due to the eminent rank and station which he so lately occupied." This was almost a stereotyped order used in the case of all foreigners of distinction arriving in this country; for it was the custom to treat all distinguished foreigners on their arriving in this country with the utmost deference and respect. The order did not exempt General Rosas from the payment of the ordinary Custom-house dues on the landing of his baggage; but it merely provided that he should be treated with the utmost courtesy and respect.

EARL GRANVILLE said, that the explanation of the noble Earl was quite satisfactory. All he had wished to know was, whether any special instructions had been issued with regard to General Rosas.

After a few words from Lord MONTEAGLE,

The EARL of ABERDEEN was understood to say that no other course could have been adopted than that which had been adopted by the noble Secretary of State for Foreign Affairs. What he objected to was the conduct of the leading officers of the Navy at Plymonth in visiting General Rosas officially. The slightest attention paid officially to General Rosas would be misconstrued in the country with which he was recently connected; and, if it involved any idea of partisanship on the part of the Government of this country, it would be dangerous to the prosperity of our commerce in those regions, where it was just emancipated from the shackles which the General had imposed upon it.

The EARL of HARROWBY observed, that it was a shame to offer to General Rosas more than the usual honours paid to distinguished foreigners on their arrival in this country, seeing that he came to our shores with the blood of a murdered British officer on his head, for whose murder no explanation or atonement had yet been offered.

The EARL of MALMESBURY did not think that the noble Earl could have been in the House when he first addressed it, because he then distinctly stated that no additional orders with regard to General Rosas had been sent by the Admiralty or the Foreign Office, as to how or when or where he was to be received. The only order sent was the one he had read; by which it was directed that when he and his daughter arrived, their baggage should be examined with the courtesy and civility which was usually adopted towards foreigners of distinction; and he had been visited by the officers in command at Plymouth, without their having received any official orders on the subject.

LORD BEAUMONT begged to say that he thought the remark which had fallen from his noble Friend near him (the Earl of Harrowby) might have been spared. For his own part he (Lord Beaumont) respected the motives which had dictated the conduct of the Government in this matter, and he applauded the course which they had taken. General Rosas ought not to be trampled on now that he was down, and he might well be left to the stings of his own conscience.

COPYRIGHT AMENDMENT BILL.

On the Motion of LORD COLCHESTER the House resolved itself into Committee on this Bill.

LORD BEAUMONT said, he could not help thinking that several clauses of this Bill relating to translations would be very injurious to literature and to the progress of science. The clause relating to dramatic pieces would, he conceived, have the effect of giving to foreign authors a monopoly in the representation of their plays in this country. It appeared, too, that newspapers were to be prevented from copying anything from the foreign newspapers, unless the name of the paper from which the extract was taken should be mentioned. Such a rule would interfere with the ordinary custom, and would be quite unnecessary. He fully acknowledged the advantages of an international copyright, but he could not help thinking that they were pushed too far in the present Bill.

The MARQUESS of NORMANBY explained the reasons why a Bill of this nature was required. It was necessary in France that French authors should be protected from unauthorised translations, and our object was to prevent the piracy practised on British authors in France. M. Galignani, who was no bad judge on such a subject, thought that this Bill was an excellent Bill. The French Government had desired a much longer time for the protection of French authors from unauthorised translators, and, under the instructions of Lord Palmerston, he had obtained a considerable diminution of the period which the French Government originally proposed. The convention which protected copyright in the two countries reciprocally had met with general assent when it was first published in this country, and this Bill carried out that convention. He was convinced that it would prove a very beneficial measure.

LORD CRANWORTH said, that we should gain something, and should also lose something by this measure; but he was not prepared to say whether the advantages would preponderate over the disadvantages. However, he should not offer the Bill any opposition.

After a few words from the Earl of DESART and Lord COLCHESTER,

Bill *reported* without Amendment; to be read a Third time on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 30, 1852.

Minutes.] New Member Sworn. — For Worcester, William Laslett, Esq.

ARRIVAL OF GENERAL ROSAS.

On question that the House at its rising do adjourn till Monday next,

Mr. ROEBUCK said, he would take that opportunity of putting the question of which he had given notice, because he did not wish to stand between the House and the Chancellor of the Exchequer's financial statement. To what Member of the Government he should address his question he did not know, but he hoped that some one amongst them would be prepared to give him an answer. It had been stated in the public papers that a Treasury Order was sent from London to Portsmouth with respect to the mode in which a reception should be given to M. Rosas; and whether the fact was so or not, it was further stated that on his arrival at Plymouth he was waited upon so soon as he reached that town by the Port Admiral, Sir John Ommanney, and the other heads of departments; that by a Treasury Order his luggage was allowed to pass through the Custom House without the usual mode of examination, and that facilities were afforded him of a very peculiar nature, in consequence of the position that he was supposed to hold. He (Mr. Roebuck) did not wish to be understood as being in the slightest degree opposed to the extension of the most complete protection and hospitality to every political refugee, no matter whatever might be his opinions. But protection and hospitality were one thing, and the courtesy of England was quite another. M. Rosas was a man in misfortune, and he had lost his power—a power which for twenty years he had exercised in a manner that was a disgrace to human nature. He (Mr. Roebuck) would not now enter into what would become matter of history; but those who knew anything of M. Rosas's history knew that there was no atrocity of which man could be guilty that this man had not committed—that there was no evil which could be inflicted on a people that he had not inflicted—that there was no mischief that could be created that he had not visited upon the comity and the commerce of nations; he had been no friend to good government, and no friend to humanity. What he (Mr. Roebuck) desired to ask the Government, as represented by hon. Gentlemen opposite, was this: Was there a Treasury Order sent down from London, to facilitate M. Rosas's reception in this country? Was there any command given to any person acting in any official capacity to receive him with respect, and particularly with a degree of respect that had not been shown to any other of the many foreign refugees who had applied to our shores for an asylum?

The CHANCELLOR of the EXCHEQUER said: Sir, I shall not follow the hon. and learned Gentleman in his invective against General Rosas. Whatever may be the character or the exploits of General Rosas, he is, at least, an individual with whom this country has often been in negotiation, and, if I am not incorrectly informed, one with whom our gracious Sovereign has entered into treaty. Therefore, it must be obvious to the House that General Rosas occupied a very important position, and has been placed in very important relations with the Crown and the people of England. With regard to the Treasury Order to which the hon. and learned Gentleman has referred, I have no hesitation in saying that that order was sent down. It was sent down as a matter of course; and although neither myself nor any other Member of Her Majesty's Government shrink from the responsibility of sanctioning that order, still I may say it was a simple matter of form, the exercise of which I do not for a moment regret. I have just this moment received the order, and I will read it to the House. I think it right, however, to mention that it invests the person in whose favour it was directed with no privilege whatever. It does not exempt his goods or chattels from any duty to which they were liable. It is merely an instruction given to the officers of Customs directing them to extend to a distinguished foreigner about to arrive in this country that courtesy in the exercise of their duties, and that ordinary hospitality to which his position entitled him. That is the nature of the Treasury Order, which I will read to the House to enable it to judge of the character of the proceedings:

> "Treasury Chambers, March 22, 1852.
>
> "Gentlemen—General Rosas, the late ruler of the Argentine Confederation, being daily expected to arrive in England, accompanied by his daughter, on board Her Majesty's steamer *Conflict*, I am directed by the Lords Commissioners of Her Majesty's Treasury to desire that you will give the necessary directions to the officers of your department at Southampton, Portsmouth, and Plymouth,

wherever they may sit in this House, wish to see them.

Now, Sir, with regard to the first method—the raising an increased supply by duties upon articles of foreign produce imported into this country—I must observe, that a very considerable branch of the revenue is still raised by that method, which perhaps is the first that naturally presents itself for obtaining an additional supply. But if I try to anticipate what may be the opinion of the House of Commons upon that point—if I pass under my review what has occurred upon the subject of Customs Duties in the several years during which the present Parliament has existed—if, indeed, I extend the range of my observation, and examine also what was the conduct of the Parliament which preceded the present, I do not think that the prospect of supplying the deficiency, certainly in the present Parliament, by an increase of Customs duties is very encouraging. For a period of ten years back, from the year 1842—I take that period because it is an epoch frequently referred to in this House, and considered by many, I think myself erroneously, as the inaugurative epoch of a new system in the conduct of our finances and our commerce—for the ten years, I say, from 1842 to 1851 inclusively, I find one very remarkable feature in the financial management of this country, namely, that in every one of those years there has been a reduction of the duties upon foreign articles imported into this country. There is no single year of those ten years in which there has not been a reduction, and a considerable reduction, of the means of raising revenue by duties upon articles of foreign produce. You have in those ten years reduced or repealed duties upon coffee, upon timber, upon currants, upon wool, upon molasses, upon cotton wool, upon butter and cheese, upon silk manufactures, upon tallow, upon spirits, upon copper ore, upon oil and sperm; and also upon a vast number of articles each producing a small amount of revenue, and with which it would be not only wearisome but almost preposterous in me on the present occasion to trouble the House with in detail. It is sufficient for me to observe this remarkable feature—that your reduction of Customs duties from the year 1842 has been systematic and continuous; that in 1842 you struck off nearly 1,500,000*l.* of calculated revenue from Customs duties; that in 1843 you struck off the sum of 126,000*l.*; in 1844 a sum of 279,000*l.*; in 1845 upwards of 3,500,000*l.*; in 1846 upwards of 1,150,000*l.*, in 1847 upwards of 343,000*l.*; in 1848 upwards of 578,000*l.*; in 1849 upwards of 384,000*l.*; in 1850 upwards of 331,000*l.*, and in 1851 upwards of 801,000*l.*—making an aggregate in the ten years of nearly 9,000,000*l.* sterling. Well, then, I think the House will agree with me that, having a deficiency to supply, and looking to the sources from which it is most probable that one might obtain the assistance which is necessary, after the catalogue of remitted duties which I have read, it would be somewhat presumptuous on my part to suppose that I could induce the present House of Commons to supply that deficiency by the imposition of fresh duties upon imports.

Have I then a more encouraging prospect if I seek to supply that deficiency by having recourse to duties on articles of domestic manufacture? In the great controversies upon commercial legislation which have occurred of late, and which have prevailed especially during the last six years, two opinions have been advocated in this House, and have been very warmly supported in the country, as to the preferable means by which you may relieve the industry of this country. One important party in this House and the country have advocated, and successfully advocated, the repeal of Customs duties; and the effect of the prevalence and triumph of their opinions in this House has been exemplified in the table which I have just referred to, and which I had prepared for the information of the House this evening. But there has been also in this House a party, if not triumphant, yet very important from their numbers, and from the zeal and conviction with which they have maintained their opinions, who have asserted, on the contrary, that the best method of relieving our native industry is by the remission or the repeal of what are called Excise duties. No one advocated that opinion more zealously, and with a greater amplitude of statistical learning, than my ever-lamented friend the late Lord George Bentinck; and this is an opinion which has been sanctioned also by the authority of writers of the highest consideration, and one which I myself deem entitled to the gravest attention. But if one side of this House are of opinion that you must not supply a deficient revenue by Customs duties, and the other side of the House are equally convinced that an Excise duty is more injurious to the industry of a country than a duty on the import of foreign articles, what is the prospect of success for a Chancellor of the Exchequer, if his means of supplying a deficiency are limited to those two still important sources of our public revenue?

But, Sir, that is not all; it is not merely that a very powerful party in this House are opposed to Excise duties because they think their influence is peculiarly pernicious to the exercise of our national industry; but even hon. Gentlemen opposite, even those who consider a Customs duty the greatest of fiscal grievances, even they have shown, during these ten years, scarcely less repugnance to raising our revenue by duties on articles of domestic manufacture. Let me now place before the House a catalogue of the successful invasions which have been made during the same period of the last ten years upon that great source of our revenue—the Excise. Whilst you have reduced the calculated sources of revenue from the Customs by an amount of 9,000,000*l.* during that time, the House of Commons has also during the same period repealed the Excise duty upon vinegar, upon auctions, upon glass, and, finally, upon bricks, by which no less an amount of revenue than a sum approaching 1,500,000*l.* has been lost on the Excise duties, simultaneously with your successful assaults upon the Customs revenue. But is that all, Sir? Can I forget what occurred in this House only a week ago, when a right hon. Gentleman, once a Member of the late Administration, connected in that capacity with the department which peculiarly watches over the fortunes of our trade and navigation, the right hon. Member for the city of Manchester (Mr. M. Gibson)—an active Member also of the confederation that has exercised of late years so considerable an influence upon the finances of this country—came forward and proposed a repeal of Excise duties which virtually would have further reduced the public income by the amount of 1,400,000? Under these circumstances, then, I think the House will agree with me that, not only with respect to Customs duties, but also with respect to Excise duties, the Minister who should propose to supply the deficiency by increasing their number or amount would embark in an enterprise extremely hopeless.

But, Mr. Bernal, I fear the difficulties of an individual in my position are not limited by those two branches of revenue on which I have just touched. We hear a great deal in the present day, and often from Gentlemen opposite, of the preferable mode of raising revenue by what they call direct taxation. [Mr. Hume: Hear, hear!] I receive that cheer as evidence of the attention of the hon. Gentleman, and I am honoured by it; but I fear that when I pursue the critical investigation to which for a moment I will solicit his attention, I shall not find that welcome adhesion to the principles of direct taxation which, under present circumstances, he seems to evince.

Now, Sir, we have had during the same ten years to which I have before referred, considerable experience of the temper of the House of Commons and of the country with respect to this third mode of raising the revenue of the country; and I wish to draw the most serious attention of the House, if I can attract it, to this very important branch of the subject. It is exactly ten years ago since one of the most eminent of modern statesmen, who was the principal means of effecting that reduction in our Customs duties, and even in our Excise duties, which I have recalled to the recollection of the House—it is exactly ten years ago since he introduced and successfully carried through a measure which entailed upon this country a large portion of direct taxation. Now, let me recall to the recollection of the House—the circumstances under which the Property and Income tax was recommended to our attention in 1842, the fortune which it experienced, and the fate which awaited it. Remember that this important measure of direct taxation was to have ceased after a short lapse of time, and was introduced into the House apologetically. It was introduced as a measure necessitated by an emergency, and framed to meet a crisis; and even with all those circumstances of urgency, the House and the country could not be induced to adopt it without its being framed upon a large basis of exemption. So, Sir, in the introduction of the direct tax upon property and income, there was, therefore, no evidence of a great inclination in the House of Commons or the country in favour of direct taxation; because the measure was introduced as one only justified by an exigency, and was so modelled that the multitude could not feel the pressure of its operation. Well, what was the fate of that tax, introduced by one of the ablest and most powerful

Ministers of modern times? Notwithstanding all his talents, notwithstanding all his power in this House, it was with difficulty renewed, and could only be renewed after repeated discussions, and after Motions made in this House by Members of great distinction, who impugned the justice of its provisions, and complained of the oppression of its enactments; until, at length, before the ten years had elapsed, it had become so odious and so unpopular that its existence was only renewed provisionally, and that too upon the severe condition that it should be submitted to the critical scrutiny of a Committee upstairs. As far, therefore, as the property and income tax is concerned, the conduct of this House, in respect to direct taxation, is scarcely more encouraging than its conduct in respect to raising revenue by indirect taxation, either in the shape of duties on articles of foreign import, or upon articles of domestic manufacture.

Sir, it was my hope that before the difficult duty devolved upon me of making the statement which I have the honour of submitting to the House to-night, that the report of the Committee upon the Income Tax would have been laid upon the table. I feel great difficulty and delicacy, of course, in adverting—as to a certain degree I must—to subjects under the consideration of that Committee. Of that Committee I have the honour to be a Member; and, therefore, if I can do nothing else, at least I may say this, that I can bear witness to the impartial spirit and indefatigable industry with which the inquiries of that Committee have been carried on; and I am sure—at least I hope—the hon. Gentleman opposite, the Chairman of that Committee (Mr. Hume), will admit that since I have had the power of exercising any influence upon the conduct of its inquiries, I have thrown no obstacle in its way. [Mr. HUME: Hear, hear!] I have not tried to narrow the issue in question. I have given every facility to an investigation which I thought the country required, and the result of which I have watched with the utmost interest. Under these circumstances it would be presumptuous in me to give an opinion upon points which that Committee have not yet finally decided, or on which, at least, they have not yet officially communicated their decision to the House; yet there are one or two of those points on which, from the position I occupy, I think it is impossible for me to be entirely silent.

The Chancellor of the Exchequer

Sir, one of the gravest objections to the tax upon property and income, one of the main causes of its odium and unpopularity in this country, is unquestionably that there is no difference as to the rate of assessment upon incomes of a temporary and of a permanent character. That most interesting and important question is now submitted to your Committee; and, as I said before, it would be arrogant in me to give an opinion upon the subject until their opinion has been formed and officially communicated to the House. But I may say that, upon this subject, we have received the amplest evidence from the ablest men; I may say that, upon this subject, the Committee have listened to those who have made the principles upon which such assessments should be calculated the study of their lives, who have brought to our Committee all that science can offer to aid and enlighten us, and who have placed before us every computation which experience and philosophy combined can devise and invent. I will not presume to enter into the question as to the justice or injustice of the schemes which these gentlemen—the most eminent actuaries in the country—have offered to us; but, as a practical man, as looking to the effect on our revenue, as looking, at this moment especially, to the most desirable means by which revenue can be raised, I may say this—not prejudging, understand me, the question at issue, neither acknowledging nor denying the principles which these actuaries have offered to us—the most eminent for their capacity and knowledge in their profession—neither denying nor admitting that these principles are just—I may at least say this—that if they be adopted, I am painfully sensible that Schedule A, Schedule B, and Schedule C, will not be less odious than Schedule D. Well, Sir, when I am to select a means of raising revenue, I must necessarily consider circumstances of this character. In questions of finance, the feelings of the people must be considered as well as the principles of science.

There is another point on which I can speak with more frankness in reference to the tax upon property and income. I have not presumed, and will not presume, to give an opinion upon the justice or injustice of a change in the mode by which the assessment of permanent and temporary incomes is effected. But there is a point, I believe, on which the Committee is so unanimous that their opinion need not be a secret; and it is also, I believe, the unanimous opinion of the House of Commons, as I am sure it is of the country, namely, that if taxes of this character—if measures of direct taxation like the income tax—are to form not temporary but permanent features of our system of finance, they cannot rest upon a system of exemptions. Well, but if they are not to rest upon a system of exemptions, do you augment the methods to which a Chancellor of the Exchequer may successfully appeal for the purpose of raising revenue? No doubt direct taxation is in its theory an easy, a simple, and a captivating process; but when you wish to apply that direct taxation generally, it is astonishing the obstacles you encounter, and the prejudices you create. Sir, to my mind—and I think it is a principle now pretty well established—direct taxation should be nearly as universal in its application as indirect taxation. The man who lives in a palace and a cottager, as consumers, are proportionally assessed. It is not, perhaps, possible that in direct taxation you can effect so complete a result—perhaps it is not necessary; but that, if your revenue is to depend mainly or in a great degree upon direct taxation—if it is permanently to depend upon direct taxation, you must make the application of the direct tax general, is to me a conclusion which it is impossible to escape. No doubt, by establishing a temporary measure of direct taxation, based upon a large system of exemptions, you may give a great impulse to industry; you may lighten the springs of industry very effectually for a time; but—not to dwell upon the gross and glaring injustice of a system of finance that would tax directly a very limited portion of the population—but, looking only to the economical and financial consequences of such a system, who cannot but feel that in the long run industry itself must suffer from such a process? For, after all, what is direct taxation founded on a system of exemptions? It is confiscation. It is making war upon the capital which ultimately must employ that very industry which you wish to relieve.

Well, then, when you have examined the first and most memorable essay towards the establishment of direct taxation which has occurred during the same memorable æra to which I have called attention in reference to the reduction of the Customs and Excise duties, is the instance of the property and income tax very encouraging to the Minister who looks to direct taxation as the means of supplying a deficiency? Framed with all the exceptional circumstances to which I adverted, it still has attracted great odium, and is fraught, as is universally admitted, with gross injustice. Not that I am urging this as any objection to the Minister who introduced it; the law being avowedly a temporary measure, a measure to meet peculiar circumstances, and to encounter a special emergency, he was perfectly justified in the course which he took, and met with the success which he deserved; but I am speaking of a system of finance of which a tax like that to which I am now referring is to become a permanent feature. This tax, framed by the most adroit of modern financiers, softened in all those circumstances which would have created hostility, has yet encountered such a degree of odium, is, notwithstanding, acknowledged to be the source of so much oppression, that we have not been able to keep it standing; that we have been obliged—at least those who were responsible for the finances of the country have been obliged—to go upon their knees to the House of Commons to ensure it a provisional existence; and, as I have already reminded the House, it now has for two years been submitted to the severest ordeal to which any mode of raising the public revenue can be submitted—the searching scrutiny of a Committee of the House of Commons—judges who are themselves victims, and who are, therefore, alive to all the grievances into which they have to inquire.

Well, but if I proceed a step further, and endeavour to induce the House to consider whether the system of direct taxation is that simple, that facile, and that satisfactory method by which the revenue can be raised in a country like England, can I shut my eyes to the remarkable circumstances which occurred in the last Session of Parliament, with respect to direct taxation? What was the principal feature of the last financial year? The abolition of one of the most considerable sources of direct taxation. The Minister of the day, at "one fell swoop," by the repeal of the window duty, deprived us of very nearly two millions sterling raised by direct taxation. [*Cries of* "No, no!"] I think I shall be able to show that to be the case. I think I can show to hon. Gentlemen opposite, who I am willing to believe are on this occasion friendly critics, that I make no statement on the subject which is not fully authorised. Well, Sir, it was said upon that occasion that the principle of direct taxation was not in question. Direct taxation to the amount of nearly 2,000,000*l.* was at once taken off; but then it was remitted not upon fiscal but upon sanitary considerations. Every one knows now, however, that all the sanitary objects which we wished to accomplish could have been accomplished had the direct tax remained. [*Cries of* "No, no!" *and Cheers.*] I think I shall have no difficulty in showing that that is the fact—that we might have derived from a tax upon windows a revenue not less than that which we have lost, and yet obtained at the same time all the sanitary results which we wished to accomplish. This plea—this plausible plea but miserable pretext—of sanitary considerations prevailed; and the consequence is, that the Chancellor of the Exchequer has lost 2,000,000*l.* raised by direct taxation. But now let me notice the murmuring negative of some hon. Gentlemen opposite; because I waited for that with great interest, as it is a fresh illustration of the important results which I wish to impress upon the consideration of the House. "No," says the hon. Gentleman, "you do not lose nearly 2,000,000*l.*, you forget the substitution of the house tax." Now, were I to fix upon any measure which more alarms me—when taught to believe that direct taxation is to be the main source to which a Minister of Finance is to look for revenue in this country—it would be that very substituted house tax, the recollection of which made hon. Members opposite murmur their negative to my previous statement respecting our loss by the repeal of the window tax. The revenue of the country could not bear that rude and entire loss of nearly 2,000,000*l.* sterling annually by the repeal of the window tax; and it was necessary, therefore, to have some substitute, to find some means, by which our revenue could be sustained. What did you do? You could not recur to Customs duties in the teeth of that catalogue of exploits which I have enumerated. You could not have recourse again to Excise duties, when you yourselves were bringing forward Motions asking for the extensive repeal of Excise duties. You were obliged to have recourse to direct taxation even while you reduced one source of direct taxation to such an enormous amount. What then did you do? You raised your direct taxation by a form which I have always considered it was impossible for any direct tax to take more just or less oppressive—I mean a house tax. But what did you do? That invaluable weapon in your financial armoury was taken down carelessly, and used, I may say, with a very inglorious result. You raised but a very small revenue by your taxation. Out of 3,500,000 houses, following the vicious principle which pervaded all our direct taxation, you taxed but little more than 400,000; and you again practically announced to the people of this country that direct taxation is intolerable, unless it be based upon a large system of exemptions.

Well, now, Sir, I think I have shown to the Committee, by recalling facts, and by prevailing on the House calmly to survey their past career, some reason which should induce them to be at least of the opinion that the great difficulties of raising revenue in this country are not confined to Customs duties, as the early cheer of hon. Members opposite would have seemed to intimate, nor to Excise duties, as my hon. Friends near me may be of opinion; but that if you attempt in this country to establish a system of direct taxation upon any principles calculated to produce permanent effects, you are stopped either by the prejudice of the House of Commons, or by a sense on the part of the people of the intolerable incidence of that form of taxation. Sir, the moral which I would draw from this—which I should wish earnestly to impress upon the House—because they may rest assured that the time is not far distant when upon this subject they must arrive at some definite conclusion—is, that they should adopt some certain principles, and act upon them, in the management of their financial affairs. The Chancellor of the Exchequer, who in these days is to make the financial statement, and who is supposed to be in the possession of that happy, or that embarrassing, incident—a surplus, is looked upon by both sides of the House as an individual who is merely the object of prey and plunder. In the general scramble every one wishes to obtain his purpose, and no one looks to the future. No one looks to the inevitable danger which must be impending over the finances of a country where all demand relief, while at the same time they lay down principles which prevent the raising of taxes in any form whatever, whether upon articles of foreign import or articles of home manufacture, or in the shape of direct contributions; for at this moment we have come—the consequence of the policy of the last ten years has brought us—to this result, that the House of Commons disapproves of all three methods of taxation.

Having made these observations, which I shall, I fear, have most painfully to apply in the course of my subsequent remarks, I will now call the attention of the Committee to the income and expenditure of the year which has just closed. In February, 1851, the income for the year ending this month of April, 1852, was estimated by the right hon. Gentleman opposite (Sir C. Wood) at 52,140,000*l.* The actual income which has accrued has been 52,468,317*l.* [*Cheers.*] The right hon. Gentleman whose actual has exceeded his estimated income, is well entitled to that cheer. But I am bound to say that the statement which I have made does not do sufficient justice to the merits of the right hon. Gentleman; because it is not merely the fact that the actual income has exceeded the estimated by nearly 330,000*l.*, but I must say in the interval a vast remission of taxation took place; and yet, notwithstanding these vast remissions, the actual income of the year just ended has exceeded the estimated income for the year. For during that period the right hon. Gentleman repealed the window tax, by which (though he incurred only half a year's loss) a loss of 620,000*l.* in the year was experienced, after allowing, of course, for the substituted house tax. Within that period the right hon. Gentleman also reduced the duty on coffee and upon timber, and he has also had to encounter one of the most considerable reductions which have occurred in the sugar duties. But notwithstanding this great remission of direct taxation, and this reduction of the duties on three of the most important articles of foreign import, the actual income of the right hon. Gentleman the late Chancellor of the Exchequer has exceeded that estimated by him, and which estimate was made without reference to those reductions, by a sum of more than 270,000*l.* Upon that view the right hon. Gentleman estimated the revenue which he should derive from the Customs at 20,400,000*l.*, and he anticipated a loss to the revenue, from the reduction of the duties on sugar, coffee, and timber, of 800,000*l.*, which, however, trusting to the increased power of consumption in the community, he placed in his budget at only 400,000*l.*; therefore, in truth, from the Customs the right hon. Gentleman estimated he would receive 20,400,000*l.*, and we have obtained from them 20,673,000*l.*

I think it due to the right hon. Gentleman, and I think — which, with all courtesy to him, is of still more importance, that it will be interesting to the House and to the country—while our experience upon the subject is fresh, that we should trace the action upon our Customs revenue of these remissions of duty made by the right hon. Gentleman.

The duty upon coffee, it will be recollected, was reduced last year from 6*d.* per lb. on foreign, and 4*d.* per lb. on colonial, to a uniform duty of 3*d.* per lb. Now, this is the effect of that reduction of duty upon the consumption of the article. I will first take foreign coffee. In the year ending April, 1851, the quantity of foreign coffee consumed was 2,076,375 lbs.; in the year ending April, 1852, there has been an increase in the consumption from 2,076,375 lbs. to 5,524,000 lbs., being an increase in the year 1852, as compared with 1851, of nearly 3,448,000 lbs. Nor has this increase been obtained at the expense of the growers of colonial coffee: for while in 1851 we imported but 28,216,000 lbs. of colonial coffee, in 1852, after the reduction of the duty, and concurrent with that great increase in the consumption of foreign coffee, instead of 28,216,000 lbs., we have imported of colonial coffee 29,150,000 lbs. In 1850 we imported 32,511,000 lbs. of foreign and colonial coffee; in 1851 the demand had fallen to 30,292,000 lbs.; but in 1852, after the reduction of the duty made by the right hon. Gentleman, it has risen from 30,292,000 lbs. in 1851, to 34,680,000 lbs. I speak now, of course, of both foreign and colonial. The estimated loss of duty was 176,000*l.*; the amount of duty really lost has been but 112,000*l.*

The Committee will recollect also that the right hon. Gentleman reduced the duty upon foreign timber from 15*s.* to 7*s.* 6*d.* on hewn, and from 20*s.* to 10*s.* on sawn. The estimated loss by this reduction was 286,000*l.*; the actual loss has been but 126,000*l.* I know that this is detail in which perhaps I ought hardly to persevere; but I think it due to the right hon. Gentleman, and also to the subject, that the House should thoroughly understand its position at the present moment. In 1851 we imported 275,000 loads of foreign timber, and in 1852, 440,000 loads. If you come to colonial timber—I speak now of hewn—in 1851 we imported 619,000 loads, and in 1852, 671,000. In 1851 we imported 352,000 loads of foreign sawn timber, while in 1852 the quantity imported amounted to 514,000 loads. In the year 1851 the quantity of colonial sawn timber imported was 454,000 loads, and notwithstanding the increase in the foreign importation, the quantity imported in 1852 from the colonies was 526,000 loads. Thus, while in the year 1851 the total quantity imported from foreign countries of both "hewn" and "sawn" timber was only 628,000 loads, in the year just terminated the quantity has increased to 954,000 loads. From the colonies the total importation of both "hewn" and "sawn" timber has increased from 1,074,000 loads in 1851, to 1,200,000 in 1852.

Passing from the reduction of the duties upon coffee and timber, I come now to the reduction of the duty on sugar. While a loss, then, though not a very important one, thus resulted from the reduction of the duties upon coffee and timber, greatly as the consumption of those articles was increased by that reduction, the effect of the reduction of duty upon the consumption of sugar is so remarkable, that I feel it my duty to trouble the House also upon that subject. In the year 1851 we imported of British and foreign sugar 7,200,000 cwts.; in 1852 the imports increased to 7,613,000 cwts. Since the alteration in 1846 the increase of our consumption of sugar has been 1,900,000 cwts. This is unrefined only. I have the other figures, but will not weary the House with them. In 1851 we imported 5,093,000 cwts. of British colonial sugar; in 1852 the quantity increased to 5,207,000 cwts., showing an increase during the past year, as compared with the previous year, of 114,000 cwts. During the last six years the consumption of sugar in this country has increased 95,000 tons, being nearly 33 per cent upon its consumption in the year 1846. Now, with respect to revenue derived from sugar; in 1852 we received 4,163,535*l.*, being—although we calculated upon a loss of upwards of 330,000*l.* or 340,000*l.* last year—an actual loss of only 309*l.*

I now proceed with the estimated income in detail for the year 1851–2, as made by the right hon. Gentleman the late Chancellor of the Exchequer in February last. I have already stated that the revenue from the Customs the right hon. Gentleman estimated at 20,400,000;—the actual receipts have been 20,663,000*l.* The estimated Excise duty was 14,000,000*l.*; we have received 14,543,000*l.* The right hon. Baronet estimated from his Stamps 6,310,000*l.*; he received from his Stamps—or rather we received for him—6,346,000*l.* The right hon. Baronet estimated from his Taxes 4,348,000*l.*; but in consequence of the reduction of the window duty and the partial substitution of the house tax, instead of 4,348,000*l.*, the actual receipts have been only 3,691,000*l.*; and I am sorry to say that in the subsequent half year so large a sum will not be received, because the right hon. Baronet had the advantage of receiving one half year's window tax. I now come to the Property and Income tax:—that was estimated at 5,380,000*l.*:—the right hon. Gentleman's estimate was realised only to the amount of 5,283,000*l.*, being a diminution of nearly 100,000*l.* The Post Office revenue he estimated at 830,000*l.*;—but such has been the extraordinary effect—among other causes, no doubt—of the Great Exhibition, that instead of receiving that sum—[*A laugh*]—the hon. Member may laugh at my statement, but I can assure him it is correct, and when he becomes Chancellor of the Exchequer, he will learn what an advantage it is to have something which gives an impulse to such sources of revenue —the estimate of 830,000*l.* for the Post Office has been considerably exceeded, the actual income having been 1,056,000*l.* Besides the great effect of the Exhibition upon that branch of the revenue, there is also to be considered the effect of the late Census. Our postage bill for the Census, if I can trust my recollection, was nearly 32,000*l.*: that amount will not, however, figure in this branch of revenue in the next year. The right hon. Gentleman estimated the "Woods" at 160,000*l.* The "Woods" gave 190,000*l.* The "Miscellaneous" he estimated at 262,000*l.*; they turned out to be 287,000*l.* "Old Stores" were estimated at 450,000*l.*; but they realised only 395,000*l.* As I have stated before, the right hon. Gentleman's total estimate of the income of the year just ended was 52,140,000*l.*, while the actual income has been 52,468,317*l.*

The estimated expenditure of the right hon. Gentleman in the year just ended was 50,247,000*l.*;—the actual expenditure has been 50,291,000*l.* It is unnecessary for me to go through the items of the estimated expenditure; I have said, I trust, sufficient to place the last year of the official career of the right hon. Gentleman fairly before the House. I have, Sir, on his behalf, the satisfaction of placing upon the table of the House the general balance sheet at the end of the year, whence it appears, as the consequence of the facts which I have stated, that there is a surplus revenue for the past year of 2,176,998*l.*

I have now, Sir, to come to the Estimates and Expenditure of another year, in which I am more deeply interested than in those figures which I have already placed before the House. For the estimated expenditure of this year Her Majesty's Government are scarcely responsible:—they have of course an official responsibility from which they do not wish to escape; but it is known to the House that the Estimates for the present year were prepared by our predecessors, and had been laid on the table when we succeeded to office; and the responsibility of the Government with respect to them is now shared by the House, which has passed the greater part of those Estimates. The estimated expenditure for this year—that is, for 1852–3—is 51,163,979*l.*; and it is thus formed: "The Interest on the Funded Debt" is 27,548,000*l.*; last year the amount under this head was 27,576,980*l.*—the reduction which has taken place being in consequence of the operation of the Sinking Fund. The interest upon Exchequer Bills is estimated at 402,000; last year the charge was 401,545*l.* The total charge upon the Debt, therefore, is 27,950,000*l.*; last year it was 27,978,525*l.* The other charges upon the Consolidated Fund are, for this year 2,600,000*l.*; for the last year they amounted to 2,614,416*l.* The total charge upon the Consolidated Fund is, therefore, 30,550,000*l.*; in the preceding year it was 30,592,941*l.* For the Army, including the Commissariat, the estimate for the present year is 6,491,893; for the Navy, 6,493,000*l.*; the estimate for the Navy, however, includes a sum of 870,158*l.* for the packet service, so that the expenditure for the Navy is really only 5,622,842*l.*; but, with the packet service included, it figures in the estimates for 6,493,000*l.* The estimated expenditure for the Ordnance Department is 2,437,000*l.*; the "Miscellaneous," now called the Civil Estimates, are 4,182,000*l.* Last year—I make this remark because, for the present year, they were, to a certain extent, prepared by Her Majesty's present Government—the "Miscellaneous" amounted to 4,114,265*l.*, while, for the present year, as I have stated, the estimated expenditure is 4,182,000. This increase in the Miscellaneous Estimates has been occasioned by two circumstances—by the transference from the Woods and Forests, of a charge to the amount, I think, if I recollect rightly, of something about 65,000*l.* per year, and, therefore, there is a proportionate, or nearly a proportionate, reduction under the head of Woods and Forests; and also by some increase in the charge for the convict service.

The next item to which I have to allude is a sorrowful affair. It is the item for the charge of the Kafir war. The Committee will recollect that I moved a vote very early after acceding to office of 460,000*l.* on account of the Kafir war. When that vote was moved, I confess I was not without hope that it would be the last vote of the kind which we should have to bring under the consideration of a Committee of Supply. But the information which we then expected, and which was at hand, unfortunately proved to be of a very different character from that which we indulged a belief it would assume. It is impossible, therefore, that I can, with a due sense of what I think becomes a person responsible for the finances of the country, allow that vote alone to be provided for by the Committee. Undoubtedly, it would be very easy, especially after having obtained a vote, in the case of a distant war, where there is not that power of ascertaining the state of affairs so correctly as in a European conflict, or one the scene of which is near at hand—it would undoubtedly be very easy to leave something to chance, and allow, if further supplies should be wanted, that they should be drawn from the general military chest. But I hope the Committee will agree with me in holding that such would be a very exceptional and ruinous system, and that it is much better to form some—I will not say extravagant—but some fair and temperate estimate of what may be considered absolutely necessary, and endeavour to meet the wants of the service by a specific vote. Well, then, under these circumstances I have acted. I know there is a great prejudice with respect to the conduct of wars in distant dependencies—where what occurs is not subject to that criticism and explanation to which it would be liable in countries nearer home. But I am bound to say this—that the commissariat of the Army at the Cape is under the immediate control of the Treasury, and that the Treasury has sent out officers to conduct operations there—that their despatches, and even their private journals, are sent to the Treasury; and it has been my duty, and one which I can sincerely say that I have fulfilled, to read every line of the despatches, and every one of the private journals of the officers employed; and I am greatly mistaken if they are not men animated by the most anxious desire to fulfil their duty to their country. I believe that they have accomplished considerable reductions in the conduct of the operations, nor do I think that I am using the language of exaggeration when I say that the commissariat was never carried on with more efficiency, or with a greater regard to genuine economy. Taking all this into consideration—and I could prove the strict truth of my last observation by referring to the surplus left for this year from the vote taken in the last year of 300,000*l.* by the right hon. Gentleman opposite—and calculating (which I do) that the vote of 460,000*l.*, assisted by such surplus as by the good management of these gentlemen we have from the 300,000*l.*, cannot be safely relied upon for carrying us on further than the end of May, or the beginning of June, I have made up my mind, with the sanction of my Colleagues, and on the part of my Colleagues, to propose an additional vote of 200,000*l.*; and, if the Committee sanction that proposition, the Kafir war will appear in the estimate of this year at 660,000*l.*

There is yet another item for which we are responsible in the estimated expenditure of this year, and that is the charge for the Militia. ["Oh, oh!"] Why, really, the vote is not much larger than the majority which sanctioned the measure. If the Committee will sanction my estimate, the charge will be 350,000*l.*

The total of the estimated Expenditure for the year ending April, 1853, will therefore be 51,163,979*l.*, the figures which I gave before.

I now come to consider the sources of Supply; and the House will now see that the few observations which I presumed to make on the subject of taxation, and upon the temper of this House upon the subject of taxation, were not altogether inappropriate. The question is, how are we to meet this expenditure; and I now come to the estimated income which I am going to submit to the Committee.

The Customs duties realised last year, as will be fresh in the recollection of the Committee, amounted to 20,673,954*l.* But that was a remarkable year, and the circumstances which acted upon the revenue of the Post Office—so much to the astonishment of Gentlemen opposite—very much acted upon the Customs duties. The very great impulse given to consumption by the great gathering of last year, is attributable, not altogether to the influx of foreigners into the country, but to the increased travelling which took place, and by the general spirit of enterprise which prevailed throughout the whole island. Now, Sir, under these circumstances I do not feel justified in counting upon any considerable increase of the Customs revenue during the present year, but rather the reverse; and I have also to encounter that which the Committee must not forget—I have to encounter this year a further reduction of the sugar duties; and although the calculated amount of that reduction is not so considerable as that which was experienced by the right hon. Gentleman the late Chancellor of the Exchequer, still I am not sanguine that the result will be so completely triumphant and successful this year as it was last. I therefore think we must count upon some loss from the reduction of the sugar duties. The calculated loss on that head of revenue is something like 135,000*l.* But I hope it will not be a total loss. After the marvellous results which I have communicated to the House this evening as the consequence of the last reduction of the sugar duties, one is naturally sanguine; but still last year, as regards consumption, was an exceptional year, and we should be blind to the truth if we took that as an average year; and I do think there will be some loss upon the revenue derived from the duties on sugar. Under these circumstances, Sir—taking into consideration that last year afforded extraordinary sources of consumption, and taking into consideration also the inevitable and further reduction of the sugar duties this year—I think it most prudent, after examining all the items, and giving to the subject the utmost deliberation I could bestow upon it, to take the revenue of the Customs at the amount it reached the year before the Exhibition, namely, the year 1850; and I therefore estimate the receipts for the Customs at 20,572,000*l.*, which is rather more than 100,000*l.*, less than has been derived from the same source in the year just concluded.

I now come to the Excise. It may be necessary to make some deductions from the Excise in the items of stage-carriage and railway duties, which will probably be less productive this year than they were last, from the very same cause which I have already adverted to, and which the honourable Gentleman opposite, who has not given so much attention to this subject as he will bestow upon it next year, considered of so slight importance. But the effect of the Exhibition upon the stage-carriage and railway duty was very considerable. I must also, with regard to the Excise, make same allowance for the reduced produce of the hop duty: the duty which will be receivable in this year will, owing to the season, be considerably below that of the year preceding. On the other hand, there is a considerable increase in the malt duty, which will become payable on the 10th of October next, and which has now been ascertained. It has increased much beyond the corresponding period of last year. The following will be the state of the figures with regard to the Excise duties. The revenue from that source for the year ending 1852 was 14,543,895*l.* From this amount it is necessary, in estimating the produce of this branch of the revenue for the present year, to deduct about 189,000*l.* for the probable diminution of the hop duty, and a further sum for the reduction of the stage-carriage and railway duty, which I estimate at 50,000*l.*, making together 239,000*l.* Deducting this sum from the Excise revenue of last year, the revenue for the present year would stand at 14,304,895. I estimate the increase of the malt duty at 300,000*l.*, which, added to the figures I have just stated, gives 14,604,895*l.* as the estimated probable revenue of the Excise for the present year.

I estimate the Stamps for this year at 6,339,000*l.*, which is about the same amount as they yielded last year. The produce of the Stamp duties for the year ending the 5th April, 1852, amounted to 6,346,000*l.* As the new duties have been in operation since October, 1850, I think their effects may be considered fully developed, and I do not consider there is any reason to suppose that we may not take the amount of the Stamp duty at 6,339,000*l.*

The Taxes, which last year amounted to 3,691,225*l.*, I am obliged to take this year at 3,090,000*l.* This considerable diminution is occasioned by the right hon. Gentleman in his last year having received half a year of the window duty. He received 3,691,225*l.* We may add to this amount some arrears for the house duty, which make the whole revenue from these taxes 3,730,000*l.* But this sum included the window duty for half a year, which amounted to 940,000*l.* Then that is to be diminished by half of the substituted house duty of 300,000*l.*; and therefore, in fact, I have to diminish the revenue realised by the right hon. Gentleman by the sum of nearly 700,000*l.* It is, therefore, necessary that I should place the Taxes at 3,090,000. The Property tax for this year is of course half of the amount of the Property tax produced the last year, because the Committee are aware that the Property tax itself does not virtually cease until October. Therefore, whatever the decision of the House may be upon the subject, half a year's Property tax will naturally and must necessarily be gotten into the revenue of this year. Therefore the Property tax would be about 2,600,000*l.*

The revenue from the Post Office I take at 938,000*l.* I am obliged to allow for the effect of the Exhibition and for the expenditure upon the Census, and also for the settling of a contested account with the railways with regard to the carriage of mails. I am, I believe, justified in taking the Post Office at 938,000*l.* The Woods I take at 235,000*l.* Last year they produced only 190,000*l.*; but their produce will be increased this year by the transfer to the Miscellaneous Estimates of certain charges which the Woods have heretofore borne. The Miscellaneous taxes I take at 260,000. The Old Stores I estimate at 400,000*l.*

These various items make an aggregate income of 49,038,000*l.*, showing a deficiency of 2,125,000*l.* You have, therefore, without the Property and Income tax, a deficit to that amount. That will be the deficit for this year; but of course the Committee is aware that in the year 1853–4 that deficit would be about 4,250,000*l.*, all things remaining the same.

Now to complete the picture which I have placed before the Committee, and which I have endeavoured to place before it in an unvarnished manner, I think it will be expedient, before we come to any decision—before I state to the House the course which Her Majesty's Government feel it their duty to recommend—I think it will be desirable to place the financial position of the country, both as to the last year, and the present year, in a parallel position, assuming that the Property and

Income tax had not been continued for one but for two years; and with that object I will offer to the House the estimate which I believe the Property and Income tax would produce for another year. Now, Sir, I know that on this subject considerable controversy has occurred. The right hon. Gentleman the late Chancellor of the Exchequer experienced a loss of upwards of 100,000*l.* in the receipt of the Property tax as compared with his estimate. I have investigated this subject with the utmost attention I could command, and I am bound to say—and I will give my reasons to the Committee for saying it—I am bound to say that there really has been no diminution in the proceeds of the Property and Income tax. What I mean is this: that there has been no diminution in the total assessments to the Property tax in the present year when compared with the two preceding years, notwithstanding the right hon. Gentleman has received upwards of 100,000*l.* less than in the preceding year; and I will explain to the Committee how this arose. It arose, in the first place, from the great delay in accomplishing the assessments under the Property and Income tax. The Act for the continuance of the Property and Income tax was not passed till the 5th of June; there was, consequently, great delay in making out the assessments, and consequently there were great arrears. At that time, too, unfortunately, the Office on which the duty of making these assessments devolved, was so much occupied with the arrangements connected with the Census, that the delay was unavoidable. But the Committee will see by the returns which I am about to place before them, that there has been no diminution in the total assessment of property in the present year as compared with the two preceding years. I will take the years 1850, 1851, and 1852. The total amount of duty assessed in the year 1850 was 5,727,977*l.* In the year 1851, the total duty assessed was 5,739,708*l.* In the year 1852, which has just expired, the total assessment was 5,758,709*l.*, against the sum of 5,727,977*l.* in 1850. But although I have shown that the assessment has not decreased, there has been a reduction of the amount actually paid into the Exchequer. For example—the payments into the Exchequer in the year 1850 amounted to 5,466,249*l.*; in 1851 the payments amounted to 5,403,379*l.*; in 1852 the sum paid was 5,283,800*l.* Therefore the country had a right to suppose there had been a great diminution in the proceeds of the Property and Income tax. But, in fact, the amount assessed was not diminished, but increased, and a great portion of the arrears has already been obtained. Sir, I now come to the cause of the great diminution which occurred in the amount of duty paid into the Exchequer. The diminution occurred under Schedule D. In the year 1849 a great diminution occurred in the proceeds from "trades and professions" which are levied under this schedule. From the sum of 1,754,000*l.* the proceeds fell in 1849 to 1,584,000*l.* In 1850 it again dropped to 1,570,000*l.*; in 1851 it rallied to 1,593,000*l.* Now, Sir, I am sure I have no prejudice on the subject, and I am bound to say that so far as I can form an opinion from the information laid before me there can be no doubt that the diminution in Schedule D is solely and entirely to be ascribed to the unhappy commercial year 1847. But now let us look at the proceeds under Schedule D in the year which is just completed. Instead of the amount being 1,584,000*l.*, as it was in 1849, it has reached 1,604,000*l.*; and I am informed by those who are most competent to form an opinion on the subject, that we may look with perfect confidence to the assessments under Schedule D entirely rallying, because there is no doubt that, although I appear before you with a deficiency, the state of the country is, as far as this schedule is concerned, one of great and sound prosperity. I may be excused for reminding the Committee—for in order to put the case clearly before hon. Members it is necessary to refer to many things with which they are familiar—that the assessment under Schedule D is not made on the actual profits of the year, but on the average profits of the three preceding years, and, therefore, if a bad year like that of 1847 occurs, falling into the average, it would diminish its amount just in the same way as a bad year affects the average made under the Tithe Commutation Act.

The Chancellor of the Exchequer

But, Sir, as it is my business before this Committee to state that which I believe to be rigidly the truth on all subjects connected with the finance and commerce of the country, so I think that hon. Gentlemen will believe me when I tell them—and I do tell them with great regret—that there are classes in this country who are not prospering, and that the effect of their adversity is beginning to tell upon the Property and Income tax, This is the first year—and I fulfil the duty of stating this with great regret—but this is the first year in which a Chancellor of the Exchequer, in estimating the amount to be received from the Property and Income tax, has been warned by the highest authorities that he must be prepared to make some allowance for reduced rentals. And I have to state more than that. I am informed that it is more than probable that the permission, the privilege, that was accorded last Session to the British farmers, assessed under Schedule B, will be acted upon to a very considerable extent. Now, the Committee must perceive how difficult it must be to find data whereon to found an estimate of the deduction which it may be necessary to make under the two heads to which I have referred. But it is my duty to inform the Committee that a representation has been made to me by those who are best acquainted with the subject, and who have officially brought these facts before me. I can assure the Committee. that so far from having a prejudice on the subject, although I believe nothing would induce me to colour any case to which it may be my duty to refer, still I could almost wish that it had fallen to any one but myself to have made this statement, because I know there are some who may imagine I am giving an aspect to the statement, however slight, which I may not be justified in doing. But I am acting upon information which it is impossible for me to disregard, and I am recommended to deduct not less than 150,000*l.* from the estimated produce of the Property and Income tax in consequence of the probable losses which may accrue from these two causes—namely, the diminution of rental, and the decrease of the proceeds under Schedule B by the cultivator of the soil availing himself of the permission given him last year.

Now, Sir, under these circumstances, this would be my estimate of the Property and Income tax in case I had to offer to the Committee an estimate as to its probable produce for the year after October next. The amount of revenue derived from this source for the year ending April, 1852, was 5,283,800*l.* We have to add to that the sum of 54,000*l.*, an amount due, but not collected on account of the backwardness of the assessment, making together 5,337,800*l.* That would have been the estimate of the produce of the Property and Income tax for the year ending 1853, supposing it to be continued. I must, however, deduct from that the sum of 150,000*l.* for the reasons I have stated; and there will then remain as the amount of the produce of the tax upon Property and Income for the year ending April 5, 1853, the sum of 5,187,000*l.* If, therefore, that formed an item in the complete estimate which it would be my duty to place before the Committee, the whole of the Estimated Income for the year 1852–53 (including the 5,187,000*l.* for Property and Income tax) would be 51,625,000*l.*; and as my Estimated Expenditure is 51,163,979*l.*, there would be a surplus Income over the Expenditure of 461,021*l.*

Now, Sir, I hope the Committee have obtained from me an unvarnished, and I trust clear, account of the financial position of the country. This I can truly say, that if I have not succeeded in conveying to them such an account, it is entirely attributable to my want of ability and experience, and not from any desire to conceal anything from them.

It appears to Her Majesty's Government, under these circumstances, that there is but one course for them to recommend to the adoption of the Committee—a course which I myself cannot believe any prudent man, whatever may be his political or economical opinions, can for a moment hesitate in adopting and sanctioning.

Sir, I have touched upon the extreme difficulty which now attends the management of the finances of this country. I have endeavoured to bring the Committee to such a temper that it may become habituated to consider this all-important subject with, permit me to say, more of calmness and of patience than have accompanied the statements of a Finance Minister of late years. My right hon. predecessor, whose abilities I recognise with all sincerity, no sooner rose in his place than, I well recollect, he was assailed by a thousand demands, which in each case might have been just, but which, when viewed with respect to the resources of the country, I cannot but feel were unreasonable at the time when they were urged, and many of which, I regret, were pressed with precipitation. Her Majesty's Government would not shrink from surveying the whole system of finance, with an attempt, if possible, to induce the House of Commons to come to some clear and decided opinion on the principles upon which the public revenue should be raised. They look with great apprehension to the opinions prevalent in this House which seem opposed to all the great sources of raising the income of this country. They consider that nothing would be more injurious than rashly and rapidly to reduce the sources of indirect taxation while you have come to no general conclusion as to the principles upon which direct taxation shall be levied. They are of opinion that if we continue in this mood of mind—admirable as is the industry, vast as is the capital of this country, great as are the advantages which are received from our political institutions, which have secured it order, wealth, and liberty—it will be impossible to maintain the revenue of this country in that manner which the public credit and the wants of our national establishments require. Sir, we have a profound conviction upon this head. We deem it our duty to impress upon the Committee and upon the country the dangerous course in which they have embarked—to impress upon them the absolute necessity, now or in another Parliament, of arriving at some definite understanding on what principle the revenue of this country ought to be raised. They deem it their duty to denounce as most pernicious to all classes of this country the systematic reduction of indirect taxation, while at the same time you levy your direct taxes from a very limited class. Sir, we would not have shrunk from undertaking the laborious effort of examining the whole of our financial system animated by these views and actuated by this purpose. But I put it with confidence to the Committee whether it has been possible for us to undertake a duty which demands labour so patient, research so considerable, and an amount of time which no Member of the Government, I am sure, has yet been able to devote to it. The Committee will, I am sure, recollect that it is only two months since Her Majesty's present Government acceded unexpectedly to office; it is indeed only six weeks since that Member of the Government who is peculiarly responsible for the conduct of the finances, could, from the necessity of meeting his constituents, resume his seat in the House. And, Sir, although the indulgence of the House, of which no person can be more sensible than myself, has assisted me in attempting to conduct the business of this House, still the claims of the House and of my department have, I can assure the Committee, rendered it physically impossible for me to embark in such an undertaking. But, Sir, although the proposal which, on the part of the Government, I am going to make is one of a very uninteresting—to use a modern phrase, one of a very provisional character—I hope the Committee will not suppose that we are shrinking from the fulfilment of our duty, or that, if it please the Parliament of this country to give us the opportunity, we shall be content with again making provisional propositions upon this important subject to the House of Commons. Under these circumstances I am sure the Committee will anticipate that I shall feel it my duty, on the first opportunity, to recommend for their adoption a continuance of those duties on property and income, for a limited period, which have been the subject of your criticism here, and are now the subject of inquiry before a Select Committee. Sir, it would have been very agreeable to me to have relieved the industry of the country, to have forwarded that great cause of the fair adjustment of taxation which I believe the majority of the House are inclined on both sides on right principles to undertake. That is not in my power. My duty has only been to place fairly before the House of Commons the condition of the public finances, and to offer that advice which Her Majesty's Government under the circumstances feel it their duty to tender; and now, Sir, in placing this Resolution in your hands, I trust the House will on this and on subsequent opportunities give me every facility to carry a law which shall continue for the limited period of one year the present Property and Income tax.

The CHAIRMAN then read the following Resolutions:—

"That, towards making good the Supply granted to Her Majesty, there be issued and applied to the Service of the year 1852 the sum of 1,015,625*l.* 12*s.* 10*d.*, being the Surplus of Ways and Means granted for the Service of preceding years.

"2. That, towards raising the Supply granted to Her Majesty, the respective Duties in Great Britain on Profits arising from Property, Professions, Trades, and Offices, and the Stamp Duties in Ireland, granted by two Acts passed in the sixth year of Her present Majesty, and which have been continued and amended by several subsequent Acts, shall be further continued for a time to be limited."

Sir CHARLES WOOD: Sir, it has often, in the course of the last five years, been my duty to follow the right hon. Gentleman who has just sat down when I differed from him in most of the observations which he addressed to the House; but on the present occasion I have the more pleasing duty in following him of saying that I concur not only in the course which he proposes, but in most of the observations which he has addressed to the House. I am sure that no apology was necessary from the right hon. Gentleman, either as to the manner in which he made his statement, or the mode in which he has introduced his first budget to the House; for he has succeeded in placing before it as clearly as possible not only the financial state of the country, but the views which he, on the part of the Government, felt bound to express. I can assure the right hon. Gentleman, having watched the course which he has taken on former occasions with no slight interest, that it is with sincere pleasure that I have heard this most successful exposition of the first budget which he has brought forward. In the first place, I concur with the views which he has expressed as to the difficulties which beset any Gentleman who is placed in the responsible situation of Chancellor of the Exchequer. I have for some years past been the object of that "disposition to prey and plunder" which the right hon. Gentleman has referred to, and I am not at all sorry to see the task of resisting such disposition transferred to other hands; at the same time that I can promise the right hon. Gentleman this, that I shall be no party to prey upon and plunder him. I agree with him that on former occasions no slight disregard has been shown to the true interests of the country in the attempts that have been made for the repeal of taxation that the finances of the country could ill spare; and though I may refer to the matter at another opportunity, yet I will not, on the present occasion, interrupt the good feeling which I hope will prevail to-night by alluding more particularly to those parties who have taken their full share of the "pull upon the Exchequer." I agree with the right hon. Gentleman, that it is not easy to find any tax that would be palatable to the people; but when the right hon. Gentleman, after having made out what we, on this side of the House, consider as a triumphant case for the policy which we have advocated, proceeds to say that there are not as good grounds for reducing indirect taxation as there are for reducing direct taxation, I must say that I think the evidence he himself has adduced is the most complete justification of the reductions of indirect taxation that have already taken place. Sir, I came down to this House, being prepared with some statements which were intended to show the success of the policy which this House has pursued during the last ten years; but, I think, after the speech of the right hon. Gentleman it is utterly needless to read them. I appeal to the right hon. Gentleman himself, who has in the fairest and most candid manner brought these results before the House—and most grateful do I feel to him for the language in which he has spoken of the policy that I pursued, in conjunction with the late Government, of which I was a Member—I appeal to the right hon. Gentleman whether he has not afforded the most ample testimony to the success which has attended our policy? The right hon. Gentleman has stated that during the last ten years Customs duties have been repealed or reduced to the extent of 9,000,000*l.*, and 1,500,000*l.* from the Excise. I will add that 500,000*l.* has been reduced from the Stamps, and 1,200,000*l.* from the Window Duties last year. I sum up the whole of these reductions—Customs, Excise, Stamps, and Taxes—and I find that they amount to a reduction from the taxation of no less a sum than 12,200,000*l.* in the course of ten years; and I find, at the same time, that the ordinary revenue of the country in 1842, excluding the produce received from the income tax and extraordinary sources, amounted to 48,000,000*l.*, while last year the revenue from the same sources amounted to 46,600,000*l.*—that is to say, 1,400,000*l.* less than the revenue that was received in 1842, previous to this reduction of taxes to the amount of 12,200,000*l.* I appeal to the House—I appeal to the country—I appeal to the most prejudiced opponent of the policy which has of late years been pursued, as to the results of this policy. A more triumphant case I do not wish to see made out than that which the right hon. Gentleman has made for us to-night; and I trust that from his evidence—unsuspicious as it is—honourably and candidly as it has been given—the country will come to the conclusion that this is the proper policy that has been and ought to be pursued by past and future Finance Ministers in this country. I always said that changes in the Government have many advantages; and I am glad to see right hon. Gentlemen opposite come forward to that table charged with the responsibilities of office. We have been attacked in many speeches with allegations which I have had to answer as to the loud cries of distress that are uttered by every class in the community. But now we are told to-night, upon the authority of the right hon. Gentleman, speaking from those sources of authority of which he is in official possession, that, taking one class with another, the country is now in a state of great and increasing prosperity. The increase of the revenue is the best proof of the country's prosperity; and I wish no further justification of what has been done during the last ten years than the statement which the right hon. Gentleman has made this evening. The right hon. Gentleman stated, though I think not quite correctly, what was done with regard to the window tax last year. I stated at the time that I was in favour of levying a tax upon houses, and that I thought the mode adopted of levying the tax according to the number of windows was a most prejudicial mode of assessing it. All I sought to do, therefore, was to alter the mode of levying the tax. What I proposed was, to produce and substitute one mode of levying a tax, with certain reductions, for another mode of levying it; and it must be remembered that the old tax contained as many exemptions as the one we are now considering. Now the right hon. Gentleman has borne most valuable testimony to the assessment of the income tax. Time after time have we been told that the falling-off in the income tax was a proof of the declining prosperity of the people. I remember when the noble Lord who is now at the head of the Government insisted in the strongest manner that the diminution which had taken place in the produce of Schedule D was a contradiction to everything that was said as to the prosperity of the trading classes; and that it established beyond the possibility of doubt, that all the representations made on that head were a mere delusion: more trade, he said, might be carried on, but it was carried on at a loss; and an hon. Friend of mine, whom I do not now see in his place (Mr. Newdegate), has year after year published pamphlets and statements in order to prove that the trade of the country has been carried on at a loss. But now the right hon. Gentleman has for ever dispelled that illusion, and I trust that we shall hear no more of that exploded fallacy. We knew that the assessment on Schedule D was no test of the trade of the year, for it was calculated on an average of three preceding years, and therefore the apparent falling-off that did take place was owing to the unfortunate circumstances of the years 1847 and 1848; so that the inference drawn from that diminution was altogether fallacious. I trust that, after what the right hon. Gentleman has stated upon this subject—from information placed in his hands by his official position—we shall have no more of these inferences. I shall only refer to one point in connexion with the window tax, in confirmation of a statement I made at the time when I proposed to substitute the house for the window tax—that the benefit of that substitution would be felt to a much greater extent in agricultural communities than in towns. Before I left office, I directed a statement to be made containing the produce of the old window tax in each county, and the amount of the tax which has been substituted for it; and I find, comparing agricultural counties with manufacturing counties, that the relief has been much more considerable in agricultural districts than in towns. I will take London, Middlesex, and Lancashire as fair specimens of the manufacturing districts and towns, and I find that in these three the produce of the house tax is 260,000*l.*, and the amount of the tax given up is 290,000*l.* I will take Lincoln, Norfolk, and Essex as fair specimens of the agricultural counties, and I find that the produce of the house tax in them amounts to 20,000, while the amount surrendered is 77,000*l.*; the amount gained by the agricultural counties being nearly four times as great as that which is retained, whereas in the manufacturing districts the amount gained is little more than the amount of the tax that has been repealed. Thus the great proportion of the relief has been given to agricultural counties; and I doubt whether there is any other way in which they would have received so much relief as was afforded to them by the substitution of the house tax. I shall now, Sir, make an observation or two upon the right hon. Gentleman's proposition. He states that supposing the income tax to be continued, he will have a surplus of 461,000*l.*, and certainly with such a surplus it would be madness to attempt a remission of taxation, especially as I doubt whether the surplus will be as great as the right hon. Gentleman has reckoned upon. I think he has very fairly estimated the income for the year—if he has erred at all, it is in taking the increase in the Excise duties a little too high; but he will forgive me for saying that I think he will be disappointed as to the probable expenditure on the Kafir war. From the best information which I was able to obtain, the probability was that the 460,000*l.* formerly voted would be nearly expended by the end of March; and when it is remembered that the expenditure is going on there at the rate of 50,000*l.* a month, I doubt whether the 200,000*l.* will cover the probable expenditure beyond that which has been already incurred. I therefore think that his estimate of the Excise produce is above the mark, while his estimate of the Kafir war expenditure is below the mark, so that I fear that the right hon. Gentleman will find the surplus less than he has stated. But the conclusion to be derived from this is only confirmatory of the course which the right hon. Gentleman is about to take: that there should be no alteration of the taxation of the country during the present year—to renew the income tax for another year—and to leave everything else precisely as it is. I think that in all this the right hon. Gentleman acts wisely; and as far as any assistance of mine can enable him to pass the Resolution which he has placed in your hands without delay, he shall have it; and I only regret that he has postponed his resolution for renewing the income tax so long. After the inconvenience which was experienced last year from the late period when the Resolutions were brought before the House, I should recommend that they be brought forward at as early a period as possible; and I trust the House will agree with me in seeing the necessity of affording every facility for passing this Resolution into a law. I confess that I consider some inconvenience has arisen from its being postponed so long, and I trust there will be no further delay. As I have already said, I feel that there is no necessity for me to make any statement on this occasion. I thank the right hon. Gentleman for the bold manner in which he has spoken out on our financial condition. I am grateful to him for the kind manner in which he has expressed himself towards me personally. I thank him for the cordial estimate which he has formed of the success of our late policy—I take it as an augury that no change will be attempted to be made. I approve of the course which he intends to take for the ensuing year; and so far as depends upon me —and I trust I may add, the House—every facility will be given him to pass his Resolution with the least possible delay.

Mr. HUME said, if the Budget of the right hon. Gentleman had contained any proposition to relieve the people from any portion of their burdens, he could have understood the satisfaction with which it appeared to be received. But that was not the case. He shared, however, in that satisfaction so far that the right hon. Gentleman had shown by figures and in language that could not be misunderstood, that the policy which had been followed ever since 1842 had been most successful; that it had given relief to all the industrial classes; and that the prosperity which the people now enjoyed took its rise from the new policy that had been adopted. The right hon. Gentleman had spoken out the truth, after having satisfied himself by full inquiry; and for that, he (Mr. Hume) conceived, he was entitled to respect. But there were some parts of the speech with which he was not satisfied. Whilst he agreed with the right hon. Gentleman in denouncing all the exemptions allowed under the income tax, he was utterly surprised to find that the right hon. Gentleman concluded his statement by telling the House that he proposed to continue the very measure which he had before denounced as unjust, and a measure of confiscation. There was not a public officer connected with the collection of the income tax who would not tell him that nine-tenths of all the trouble they had in the matter arose from the exemptions; and if that were so, and if at the same time the right hon. Gentleman himself denounced the present measure as unjust, he asked him, not to remove the tax, but to place it on a sound, just, and permanent principle—one which would affect all property, and afford greater facility to the department for its collection; but till that was done he was a loss to understand how any hon. Member could vote for its renewal. The right hon. Gentleman had truly stated that in the Committee which was now sitting to inquire into the working of the tax, there was a general desire to abolish all exemptions; and here he must express his thanks to the right hon. Gentleman that he had assisted those on his side to obtain an inquiry. The inquiry had taken place—no thanks to the right hon. Baronet (Sir Charles Wood) below him, who stopped the inquiry for six weeks —and they would have completed it long ago if it had not been for the unfair and shabby manner in which the right hon. Baronet had thwarted their endeavours. But he must say that he was surprised to hear the Chancellor of the Exchequer first denounce the measure as unjust, and then ask the House to continue it. Up to the last quarter of an hour of his speech he believed the right hon. Gentleman had no intention to renew the income tax. The right hon. Gentleman had shown that there was a balance this year sufficient to dispense with the income tax; and if he had not, he (Mr. Hume) would recommend him to lay the difference upon the holders of real property. By a paper which he held in his hand, it appeared that while personal property paid in legacy duty two millions, real property did not pay one farthing. During the last fifty-six years, personal property had paid 85,763,000*l.* in legacy duty, while real property had not paid a shilling. ["No, no!"] He said yes, yes; and the hon. Gentleman who interrupted him was only talking nonsense. He must, however, express his satisfaction with the statement of the right hon. Gentleman, which must be gratifying to all those who, like himself, were advocates of free trade; and he contended that a reduction of the duties levied on raw materials or articles of consumption would be more than made up by the increased quantities which in that way came into demand. If ever there was a speech which proved the truth of these principles, it was the speech of the Chancellor of the Exchequer. He did not wonder at the glum manner in which hon. Gentlemen opposite had received that statement. He marked their countenances while the right hon. Gentleman was speaking; and whilst those around him testified their approbation by those shouts which rung through the House, hon. Gentlemen on the other side presented the most lamentable picture that ever was exhibited. It was highly creditable to the right hon. Gentleman that he should have stated the truth in the way he had done; and he (Mr. Hume) hoped he now looked back with regret and remorse on his past career, and the manner in which he had treated and persecuted the late right hon. Baronet who had first introduced the system. The Chancellor of the Exchequer stood now in the same situation in which Sir Robert Peel stood after he first introduced those important changes in our financial and commercial system. That right hon. Baronet had been persecuted almost to the death as a renegade to his principles. He was not one of those who would now cast back those taunts upon the right hon. Gentleman opposite; on the contrary, he would give credit to any man who, finding that he had been in error, had the manliness to come forward and state his conviction. The right hon. Gentleman had done that, and though that might not satisfy his supporters, yet he was satisfied that, on reflection, they also would see that no other course was left open for them. But let him ask the right hon. Gentleman on what principle he denounced the system of direct taxation, and yet refused to relieve the people from the burden of indirect taxation. He could not reconcile this contradiction; and he must say that, so far from concurring that there should be an end to reduction in taxes on imports, he thought that everything which the right hon. Gentleman had stated to-night, in the most forcible light, showed the expediency of continuing that system. They might reduce the duty on tea from 2*s.* a pound to 1*s.* with benefit to the revenue; and he did not doubt that if they took off the excise duty on soap, they could relieve the consumer of the expense of two-thirds of that important article. The removal of the glass duty had produced the most beneficial results. But the right hon. Gentleman proposed to do nothing at all. The present Budget was a stand-still Budget; it did nothing but continue the present burdens upon the country. He was extremely sorry that no relief was intended at the present time. He was one of those who certainly expected considerable relief to those who were now affected by the Excise regulations. He would ask the right hon. Gentleman to take up the question of the Excise; and he was confident that he would rise from the consideration of that subject with the conviction that an exciseman ought not to be admitted into any manufactory in the country. He believed that if the Excise duties were removed from soap and paper, a great impetus would be given to the manufacture of those articles. Thousands and tens of thousands would be employed more than there were now; and if the malt tax, also, were removed, which he hoped the friends of the Government would compel them to do, the whole expense of the Excise staff, amounting to 600,000*l.* or 700,000*l.* a year, might be saved, and the remaining revenue would be amply sufficient to carry on the business of the country, if only the Government would be content with moderate establishments. The right hon. Gentleman proposed that the income tax should be continued as a temporary measure. If he would propose it as a permanent measure, first putting it upon a principle of fairness and equality, he would be among the foremost of his supporters; but as it was proposed now he could only support it on the same ground that Sir Robert Peel first proposed it—as a means of getting rid of the odious Excise which pressed so heavily on the consumer and manufacturer. This was not proposed to be done; and therefore he must enter his protest against its continuance. The right hon. Gentleman said that the time was coming when their whole system of taxation must be revised. He agreed with the right hon. Gentleman in this. Up to 1842 there had been no attempt to establish a principle in their system of taxation. But since 1842 such a principle had been established through the glorious efforts of Sir Robert Peel, who had manifested a courage which no other public man had shown; and he (Mr. Hume) never thought of his measures without expressing what he conscientiously felt, that in all his acquaintance with public men, either in his own time or what he had read of in history, he had met with no man like Sir Robert Peel, who gave up his friends, his party, and even, it might be said, his reputation, for what he conscientiously believed to be for the benefit and improvement of his country. Let the right hon. Gentleman and his Colleagues imitate his example, and go on in the course which he had marked out for them. At present the Customs and Excise duties amounted to seventy-five per cent of the whole taxation of the country; that is to say, it was thrown upon the industry of the country, and the proprietors of land never did pay their fair proportion. If the income tax were made equal, and all exemptions removed, so that the Peer and the artisan were alike made to pay their proportions, he would gladly support it; for then the working man would see that while he paid a penny in direct taxes, he was relieved of twenty of indirect taxes. When the proposition came regularly before the House, he would ask the right hon. Gentleman to carry out this principle of non-exemption, and not only so, but to go a step further, and let the house tax be extended to all dwellings. The right hon. Gentleman had stated that out of four million houses only 350,000 were assessed. Why should not the whole number be assessed, if this tax was fitting to be continued at all? He thought, however, that a commencement should be made by putting the tax upon a sounder footing than that upon which it was at present. He was sorry to disturb the general unanimity of feeling by being the only person to express dissatisfaction; but he was dissatisfied because he thought that the people had a right now to expect some relief from taxation; and when the proper time came he should submit to the House the propriety of taking measures to satisfy that expectation.

Mr. NEWDEGATE observed that what he meant to say was of a purely personal nature. He did not mean to allude to the able statement of the Chancellor of the Exchequer. He intended merely to reply to the observations of the right hon. Gentleman the Member for Halifax (Sir C. Wood), who had repeated a taunt which he had uttered on a former occasion against him (Mr. Newdegate). The right hon. Gentleman stated that he (Mr. Newdegate) had year after year printed, published, and circulated that which the right hon. Gentleman termed a justification of an exploded fallacy. He presumed the right hon. Gentleman alluded to the calculations he had published with respect to the balance of trade. He begged to tell the right hon. Gentleman, that he (Mr. Newdegate) adherred to those calculations, and to the accuracy of the results deduced from them, and that he had made similar calculations for the last year. The balance of trade against this country, as shown by calculations made on the same system, and verified in the same manner, as those which he had published with respect to the trade of each of the preceding six years, amounted to 13,000,000*l.* on the trade of the year 1851; and if the right hon. Gentleman denied the fact that any such amount of capital had been lost to the commercial classes of this country, he begged to refer him to the accounts which Mincing-lane and Liverpool could furnish on the matter, and he would see that the calculations of the losses sustained this year showed an amount even higher than that he had named. The Chancellor of the Exchequer had on a previous occasion stated that Liverpool showed a loss of 7,000,000*l.*, and he had heard the loss in Mincing-lane estimated at no less than 8,000,000*l.*, on the trade of last year. When, then, the right hon. Gentleman (Sir C. Wood) charged him with persisting in the publication of an exploded fallacy, he merely wished to appeal to the merchants of this country as to whether the losses to commerce, last year, had not reached 13,000,000*l.* sterling.

Sir CHARLES WOOD was not aware that he had used the words "exploded fallacy" as applied to the hon. Member for North Warwickshire (Mr. Newdegate); he could, however, assure the hon. Member that in whatever expressions he had used, he did not intend any discourtesy towards him. The hon. Member had published pamphlets showing that the trade of the country was carried on at an annual loss; and he (Sir C. Wood) thought that that was completely disproved by the facts which had been stated by the right hon. Gentleman the Chancellor of the Exchequer.

Mr. T. BARING said, that amongst the reasons which would induce him to support the Motion of his right hon. Friend the Chancellor of the Exchequer, were the very considerations which had been urged by the hon. Member for Montrose against it. So far was he from thinking it a demerit in the Government to stand still when they were not sure what might be the future expenditure, and when they might anticipate a reduction in the revenue, that he confessed it seemed to him a great reason for the expression of praise and satisfaction with respect to the course which they had pursued. He knew that there was great popularity to be derived from taking off taxes; but he also knew that if there was any duty more incumbent than another upon a Minister, it was not to endanger the future for any momentary purposes of the present. He should be very sorry, even if he had the power, to throw any doubt or gloom upon the generally encouraging prospect which the future held out; and, before he proceeded further, he must say, that there was one thing in which he quite agreed with the hon. Member for Montrose (Mr. Hume), in admiration of the motives of the late Sir Robert Peel. He had never doubted the purity of that great statesman's motives. He had ever felt the greatest admiration for his talents, nor had anything ever given him greater pain than the necessity under which he felt himself placed of opposing the measures of 1846. His opinions, however, remained unchanged, that in dealing with great commercial questions, and with great interests, sudden revolutions were the worst and most dangerous experiments. He thought his right hon. Friend the Chancellor of the Exchequer had taken rather too bright a view of the results of our late commercial legislation; and, for his own part, he was bound to say, that from all he could gather, the year 1851 had been a disastrous year to the commercial world. He did not mean to say that there were not here and there exceptions; that there might not have been well-combined operations or happy speculations; but taking the result of the exports and imports of the country, the prices of realisation must have left a very serious loss upon those who were interested in these operations. It might, indeed be said, "These are the mere carriers—the middle men—we must look to the manufacturers." And he was rejoiced that his right hon. Friend the Chancellor of the Exchequer had been able to state that that interest was in a perfectly prosperous condition. He hoped that he should see the result in the improvement of the receipts under Schedule D. He did not wish to touch upon the question to what extent free imports had been conducive to the general prosperity of the country; but he thought that the financial prosperity of the country was in reality in a great measure attributable to the measures of 1842, and not to those of 1846. It was to the imposition of the income and property tax that we must mainly attribute our financial prosperity. Without that tax, which though imposed to meet a pressing emergency, was continued for other purposes, we should never have been without a deficiency at any one period, or have attained our present position. Nor did he see, that after all our reductions in the Excise and Customs duties, we could yet dispense with it. It was another question to what extent the country might have gained by the transfer of taxes. Hon. Gentlemen opposite said, "We have taken off ten millions of taxes." Yes; but the House did not take them off when they put on the five millions. During ten years five and a half millions per annum was extracted from the pockets of the nation by the income tax; and out of that they could afford every now and then to give a little in the way of remission of taxes. If you pick my pocket of *5l.* a year, at the end of ten years you may make me a present of *10l.*, and may give me *1l.* or *2l.* occasionally in the meanwhile; but let the debtor and creditor account be taken, and what would be the result? Let the House take into consideration what the country had paid in taxation by the property tax, and he should be very much surprised if it was not found that the increase of remission was not so great as had been supposed. He did not mean to say that they would not show an increase; but the remission of ten millions had only taken place for a year, while the imposition of five millions dated ten years ago. With respect to the reduction which had taken place in the receipts under Schedule D of the income tax, he quite agreed with the Chancellor of the Exchequer, that a bad year, like 1847, must affect the average of the other years; but still he did not think that that accounted for the reductions which had taken place. He thought that there must have been either evasions in the returns, or a diminution in the profits of trade. But how was the prosperity of trade tested? Hon. Gentlemen opposite said that this was shown by the exports. Well, if they took the exports for any three years since 1842, they would see that the returns under Schedule D should not have diminished, if the exports were to be a real test of the prosperity of the country. He did not believe that the declared value of the exports was in reality the test of the prosperity of the country; but that was the test which he always heard adduced by hon. Gentlemen on the other side of the House. He believed, that as the income tax continued in force for a longer period, the means and the disposition to evade the returns under Schedule D would increase; and that, although they might have a prosperous year which might swell the average, or an adverse year which might diminish it, that the tendency and the disposition would still be to avoid giving correct returns. While, therefore, he thought that the general prosperity of commerce had not been so great as had been supposed, and that there were certain classes which had not shared that prosperity, he did not think that the colonial, the shipping, and the agricultural interests were in a state of prosperity. Indeed, the calculations they had heard that night, that the returns of the income tax upon the profits and rental of land would be diminished 150,000*l.*, would (when they considered how the whole profits must have been diminished to amount to that sum at 7*d.* in the pound) show that one interest at all events was not in a state of prosperity. He could not conclude without bearing his testimony to the very great ability which had been displayed by the Chancellor of the Exchequer in the statement they had heard that evening. He had a mind which could grapple with anything, nor did he fail to ornament, elucidate, and enforce whatever he grappled with; and the House had that night had the exhibition of the greatest talent and genius applied to the practical concerns of the administration of the country.

Mr. JAMES WILSON was quite ready to admit that the amount of the exports from this country was not, under all circumstances, or at any one particular time, to be taken as an infallible evidence of prosperity; but he believed that the steady increase of our exports since 1846 had, under the circumstances of the country, afforded abundant evidence, as stated in the speech of the Chancellor of the Exchequer, that the general state of the nation was a prosperous one; and certainly they would arrive at a wrong conclusion if they took particular statements from Mincing-lane and Liverpool as proofs that the country generally was not prosperous. The losses of the last year arose in a great degree from speculative transactions based upon the unusual profits of the preceding year; and in consequence of these losses the price of produce abroad had fallen so much that trade was likely to be more profitable in the present year than even in 1850, which was admitted to have been the most profitable year for some time. If there were any truth in the theory which had been propounded by the hon. Member for Huntingdon (Mr. T. Baring), with respect to the decrease in the returns under Schedule D, these returns ought still to have continued to decrease; but a turn had already taken place which accorded with the theory of the Chancellor of the Exchequer, that the disastrous years 1847 and 1848 had diminished the returns of the last year, and even to some extent those of the present year. If we did not take the amount of the exports of the country as being an infallible evidence of the prosperity of the country, we might at least take the general amount of the revenue derived from consumption through the Excise and Customs as a satisfactory evidence. Now, the right hon. Gentleman the Chancellor of the Exchequer had himself shown that although 9,000,000*l.* of taxation had been reduced in the Customs duties during the last ten years, yet these duties were within a very small amount of what they were before the reduction; therefore it was clear that the consumption of the country must have increased so as to make up the reduction of 9,000,000*l.* The result with respect to the Excise duties was nearly the same. The amount now derived from these duties was but very little less than before the reduction to the extent of 1,500,000*l.* took place. He thought that these two facts, showing the great increase of consumption which had taken place, were a decisive test of the general prosperity of the country. The right hon. Gentleman the Chancellor of the Exchequer had, in the course of his able speech, referred to the extra consumption which he said had taken place during the last year in consequence of the Exhibition. Now, he believed the trade accounts would show that very little of the increase which took place last year was attributable to that cause. With regard to the article of sugar, for instance, although the consumption of sugar was no doubt unprecedentedly large as compared with previous years, yet for the three months already past of this year there was an increase in the consumption of 15,000 tons, even as against the extensive consumption of last year. Although, no doubt, losses had last year been sustained in some branches of trade, he thought there was abundant evidence that the general trade of the country was prosperous; and that all that had been said by the right hon. Gentleman the Chancellor of the Exchequer in favour of the commercial policy of late years had been borne out by facts.

Mr. GLADSTONE said, he had heard some remarks from the hon. Member for Huntingdon (Mr. T. Baring) upon a point so vitally important that he was unwilling to allow them to pass without notice. He should have been otherwise perfectly satisfied to have allowed the case of the commercial policy of the last few years to remain on the very able statement of the right hon. Gentleman the Chancellor of the Exchequer, who had in a manner highly honourable to him, and in a manner peculiarly his own, laid before the House the results of that policy. He would venture to say that the speech which the right hon. Gentleman had that night delivered, constituted an epoch in the history of that policy which would not be forgotten. But his hon. Friend the Member for Huntingdon (Mr. T. Baring) had grappled with a statement which was made by the Chancellor of the Exchequer, and which was repeated by the right hon. Gentleman the Member Halifax (Sir Charles Wood); but he must say that he did not think that the attempt to impair that statement was a successful one. According to the right hon. Member for Halifax, reductions in taxation to the amount of 12,200,000*l.* had been effected since 1842, while the produce of the taxes on which these reductions had operated had come within 1,400,000*l.* of their original amount; and he (Mr. Gladstone) might further point out that if from this 12,200,000*l.* was deducted, the reduction of the window tax, which was not of a reproductive character, the account would stand thus: that reductions in taxation had been effected to the amount of 11,000,000*l.* upon the elastic part of the revenue, and that within the merest trifle of 100,000*l.* or 200,000*l.* the whole of that sum had been replaced. The hon. Member for Huntingdon said, that if we picked his pocket every year of 5*l.*, it is no very great matter if at the end of ten years we present him with 10*l.*, and likewise give him 1*l.* or 2*l.* occasionally during the intermediate time; and he seemed to consider that a fair representation of what had taken place. But was it so? He said that there had been a fund of 5,500,000*l.* from the income tax to draw upon during the whole time, and seemed to think that when the income tax was imposed in 1842, a margin of taxation to that extent was at once obtained, and that the whole of that sum came to credit. But he had forgotten that 4,000,000*l.* of that sum were employed in making up the deficiency of 3,979,000*l.* in the revenue, which existed in 1842. The amount of taxation imposed in 1842 was 5,600,000*l.*, therefore in fact only 1,600,000*l.* instead of 5,000,000*l.* was brought to credit. And when the hon. Gentleman spoke of these great reductions as having only recently come into operation, he must remember that the great bulk of the reductions was made in the earlier years of the series; for while the whole reductions in the Customs and Excise amounted to about 11,000,000*l.*, 7,000,000*l.* were made before 1845, and had been in operation since that period, although the income tax did not come into operation for the purpose of relief, except to a limited extent. The case, therefore, stood as it had been stated by the right hon. Baronet the Member for Halifax, that reductions to the amount of 11,000,000*l.* per annum had been made in the elastic parts of the revenue; and within a trifle not worth mentioning the whole of this sum had been replaced by the increased trade and commerce of the country. He would only refer to one other point. When the income tax was imposed in the year 1842, the ordinary revenue of the country amounted to 48,000,000*l.*; in 1845, when the commercial system had been in operation three years, the ordinary revenue of the country had so entirely recovered, that it amounted, without the income tax, to a larger sum than it reached in 1842; for while it was in 1842, 48,031,000*l.*, it was in 1845 (without the income tax) 48,111,000*l.* And his hon. Friend might perhaps recollect, that in the year 1845, when Sir Robert Peel made his financial statement to the House, he told them, "the income tax had done its work, in conjunction with the system of legislation which it was intended to introduce; and you may, if you please, abandon it. I give you your revenue as good as before, after all the reductions that have been made;" and he invited the House to choose between abandoning the income tax, and stopping the commercial legislation on the one hand, or of retaining the income tax and continuing their commercial legislation on the other. The House wisely chose the latter, with what result the figures before the House showed. As regarded the statement of the right hon. Gentleman the Chancellor of the Exchequer, he could not allow the discussion to close without expressing the satisfaction with which he had listened to it. It appeared to him that, justly disregarding any momentary advantage which he might have gained from attempting to meet the wishes of one class or another, by reductions in taxation which the finances and prospects of the country would not have justified, he had pursued a course that entitled him on this occasion to the public approbation. Nothing in his mind could be plainer than that the connexion between the commercial and financial policy of this country is such, that no decision could safely be come to upon one, without knowing what course was to be pursued with regard to the other. By common consent we were now looking to the verdict of a new Parliament for a full and he trusted final settlement of the question of our future commercial policy; and it was when we should have reached that full and final settlement as to our commercial policy, that the time would have arrived for us to deal with the finances of the country. In the meantime he thought the right hon. Gentleman not only deserved the credit which had been accorded to him for the clear and able statement which he had laid before the House, but that he also deserved still higher credit for the wise and prudent course which he proposed to the House to pursue; and that he deserved every support which the House could give him in facilitating the progress of the measures which he proposed for supporting the revenue and credit of the country. He entirely agreed with his hon. Friend the Member for Montrose, that it was the duty of the House to see what remissions of taxation could be effected by means either of the productiveness of the revenue, or by reductions in the expenditure; but it was not their duty to anticipate reductions of the expenditure by remissions of taxation which the state of the finances did not justify; and he not only hoped but felt sure that the whole House would rally round the right hon. Gentleman to enable him to repel those demands, and to enable him to preserve the finances and the credit of the country in a condition unimpaired and sound, until another Parliament should be in a condition to give them a full and just consideration.

Mr. H. BAILLIE said, that the right hon. Gentleman who had just resumed his seat had, in stating the extent to which the revenue had recovered, notwithstanding the reductions of taxes which had taken place, attributed this entirely to increased consumption, arising from a diminution of duties; but he had entirely forgotten to take into consideration that during that time the population of the country had increased somewhere about three millions, and therefore that this must of itself have caused an enormous increase of consumption without any reduction of taxation having taken place. That was exemplified by what had taken place with respect to the consumption of tea, which had increased at least one-third in the last ten years, althoughno reduction of the duty had taken place.

Mr. WAKLEY said, that the Chancellor of the Exchequer had shown how admirably the commercial policy of the country had worked since 1842, and he admitted he deserved credit for having done so. But there were Members on his side of the House who had, through much abuse, consistently, zealously, and honestly supported that policy. There was another party, no doubt as sincere and as honest, which had vehemently condemned that policy; and first and foremost among that party, and the most eloquent of them all, he placed the right hon. Gentleman. They had now brought the right hon. Gentleman to acknowledge, with a candour that did him infinite credit, that all that they had been doing had been right, and that all that he and his party had been doing had been wrong. Would to God Sir Robert Peel had been alive, to listen to the elaborate and profound homage paid to him by the Chancellor of the Exchequer in the exposition of the facts that he had submitted to the House to-night! Homage of a more exalted character, or more calculated to increase the admiration of the country for the memory of that great statesman, was never made, either in a senate or any other assembly. The hon. Gentleman (Mr. T. Baring), it was said, was to have been the Chancellor of the Exchequer of the present Government; but it appeared from the objections he had made, that the country would not have gained much from him; because he highly approved of the do-nothing policy of the present Chancellor of the Exchequer, and the country would therefore have had in that hon. Gentleman a do-nothing Chancellor of the Exchequer. The hon. Gentleman maintained that the agricultural, colonial, and shipping interests were suffering, and yet he would do nothing for them. The Chancellor of the Exchequer, after having marshalled and remarshalled his party, gave the word "As you were!" He had, indeed, shadowed out something for the future, but he (Mr. Wakley) did not like the shadow, and fancied he should like the substance still less. The right hon. Gentleman liked indirect taxation, but was not favourable to direct taxation. Now, he (Mr. Wakley) infinitely preferred direct taxation. When the people were directly taxed, they knew the exact extent to which they were robbed; but when indirect taxes were levied on articles of general consumption, the Government accumulated an enormous revenue, and the people scarcely knew that they were robbed at all. All he would ask of the right hon. Gentleman was that he would pursue that odious phantom no further. He could assure him he was mistaken as to the unpopularity of a property tax. What was unpopular was the income tax, which taxed the fruits of industry in the same proportion as realised property, and also the manner in which the law was carried out. From the manner in which the Income Tax Commissioners had behaved, it might be supposed their desire was to get rid of the impost by tormenting the people until it became intolerable—for torment them they did in the most unjust manner; and, if the income tax were continued, it would be necessary to devise some means for relieving the people from the torturing processes to which they were subjected by these Commissioners.

Mr. W. WILLIAMS concurred in many of the observations of the right hon. Gentleman the Chancellor of the Exchequer. But he had reduced the surplus of 2,172,000*l.* to 461,000*l.*, without any reduction of taxation, and he (Mr. W. Williams) wished to point out a means of considerably increasing that surplus. The interest of the unfunded debt was calculated at 402,000*l.* a year. That was at the rate of 2*l.* 5*s.* 7*d.*, which was three-quarters per cent more than was now paid for money in the City. If the interest were reduced by that amount, it would make a difference of 135,000*l.*; and when a new issue of Exchequer Bills took place, he had no doubt the right hon. Gentleman would take advantage of the present state of the money market, and add that sum to his balance. The statement of the right hon. Gentleman was another proof of the great boon that had been conferred on all individuals, especially on the poorer classes, by our present commercial policy. The course he intended to adopt was one that conferred great credit on him.

Sir JOHN TYRELL wished to notice a statement which had been made on the opposite side, that the Members on his had listened with long gloomy countenances to the speech of the Chancellor of the Exchequer. He could assure the House that whatever the operation of his right hon. Friend's speech might have been upon other Gentlemen, it had had no such effect upon him. His interpretation of what fell from his right hon. Friend was, that this statement was altogether a provisional statement, and his budget a provisional budget. He admitted there was enough in it to encourage hon. Gentlemen opposite to say in a tone of triumph that their principles had prevailed, and that the finances of the country were in a satisfactory state under free trade. But it did not follow that, because the finances of the country were in a satisfactory state, the commerce and trade of the country were in an equally satisfactory condition. His hon. Friend (Mr. T. Baring) had proved, on the contrary, that the trade of the country was in anything but a healthy state. The hon. Member for Finsbury (Mr. Wakley) had involuntarily done the highest possible homage to indirect taxation when he said the people were robbed, but without feeling it. The hon. Member for Montrose (Mr. Hume) had succeeded in procuring the appointment of a Committee to make inquiry with reference to the income tax; but when the Crystal Palace, in accordance with the vote of last night, was to be pulled down on the principle of keeping good faith, he should say that if there were a tax which ought on the same principle to be mitigated and altered, it was the income and property tax. Although the Chancellor of the Exchequer had been but a few weeks in office, during which time he had been pestered with applications on the subject of taxation, the right hon. Gentleman, after that short experience, had produced the budget with which the House had been so delighted, and to which even the hon. Member for Montrose, with his usual amount of grumbling, had given a favourable reception. A satisfactory financial statement from the Chancellor of the Exchequer was perfectly compatible with the existence of great distress in various parts of the country. If there was one thing for which a right hon. Gentleman, to whom allusion had frequently been made that evening, was distinguished, it was his skill in stopping up all the cracks and crevices of his argument, so that nobody could pick a hole in it—nobody could allege that his statments were not borne out by substantial facts. And so it was with the right hon. Gentleman the Chancellor of the Exchequer. It could not be denied that the agricultural interest had suffered greatly; but, when hon. Gentlemen said that because the Government had been in power a few weeks it should deal with certain questions, he would remind them that after the next election Her Majesty's advisers would make an effort to settle those controverted points. The right hon. Gentleman pledged himself that the taxation of the country should then be defined and dealt with. He (Sir J. Tyrell) had said over and over again to those whom he had the honour of representing, that their object was to make war not on commerce, but on the unjust taxation of the country; and when they spoke of Protection, they referred to the redress of grievances. There was the question of the malt tax which required to be settled; and it was for Parliament to deal with the burdens of the agriculturists, and do them justice. He made these observations because the Chancellor of the Exchequer did not immediately upset what existed on all those points on which hon. Gentlemen opposite glorified themselves, and on which those who sat on the Ministerial benches were said to have gone to the rightabout—an assertion which he entirely denied.

Colonel SIBTHORP confessed, that however he admired the prudence of the Chancellor of the Exchequer, and the ability which the right hon. Gentleman had shown, he had experienced considerable disappointment in the statement which the right hon. Gentleman had made; and he thought he was justified in cherishing that disappointment by the cheers which had come from the Opposition benches. *Timeo Danaos et dona ferentes.* He placed no reliance on their expression of goodwill, or on the admiration they had shown for the statement of the right hon. Gentleman. It had been usual to postpone the consideration of the statement of a Chancellor of the Exchequer; but, as another course had been pursued in the present instance, he was bound to express, and he did so with great pain, his convictions with respect to the statement made that evening. He denied the prosperity of the country. He denied the prosperity of the agricultural classes. He had been disappointed also in the intimation respecting the income and property tax. That intimation would be deeply felt. He would not go so far as to say that it amounted to a positive breach of faith, but he felt called on to protest against it. There had been three years of the income tax, and another three years, and then one year. *Rusticus expectat dum defluat amnis*—it would go on and on again. In conclusion, he had to thank the House for the courtesy with which it had listened to his observations.

Mr. REYNOLDS said, that on comparing the speech of the hon. and gallant Gentleman who last addressed the House with the speech of the hon. Baronet the Member for Essex (Sir J. Tyrell), it did appear to him that perfect harmony did not exist over the way. He was particularly struck by an observation that had been made by the hon. Baronet at the commencement of his speech. That hon. Baronet had declared that the speech of the right hon. Gentleman the Chancellor of the Exchequer had not cast a gloom upon his countenance; and to any person who witnessed his constant flow of good humour, as he (Mr. Reynolds) had done for the last five years, it was unnecessary to give that assurance. He would venture to say that even if the hon. Baronet were told that protection to the agricultural interest was abandoned for ever, he would bear it with Christian patience. If the Freetraders in the House had received the speech of the right hon. Gentleman with feelings of satisfaction, as they had a right to do, the right hon. Gentleman the Chancellor of the Exchequer should be doubly thankful to the hon. Baronet the Member for Essex, because he had not only borne the speech, which was a free-trade speech, to the full extent, but he had attempted, and successfully, to vindicate the doctrines laid down by the right hon. Gentleman. He recollected that he had read a speech of the right hon. Gentleman, delivered in the House before he (Mr. Reynolds) had the honour of sitting in it, and he remembered a passage in it which would appear to fit in to his speech of that night. In tasking the late right hon. Baronet the Member for Tamworth (Sir Robert Peel) for adopting free-trade principles, he said that "he found the Whigs bathing and ran away with their clothes." That observation had excited much laughter; but it appeared to him as if the right hon. Gentleman had found the late Chancellor of the Exchequer napping and had run away with his budget. He (Mr. Reynolds) had no hesitation in saying that the right hon. Gentleman, in the speech he delivered that night, had arranged his figures well, and had put them in a consecutive and forcible manner, and as far as a statement could go, the statement was unexceptionable. But there the praise must end. It was remakable for two things—it neither increased nor diminished taxation. But it appeared to him (Mr. Reynolds) that the right hon. Gentleman might have effected at once an increase and diminution without affecting those who were not producers, simply by emancipating labour. He perceived from the speech that there was an item for the Kafir war; and he (Mr. Reynolds) was pleased to find that it was not received with a cheer or response by the House—all were agreed in saying that the profligate expenditure for that murderous and disgraceful system of warfare ought to be discontinued. Why should the producers of wealth be charged so much a year for invading a country inhabited by naked savages? And could any lover of liberty, any humane man, any Christian man, read the despatches without feelings of shame, disgust, and indignation? Though, as appeared by a despatch from Colonel Somerset, the troops were burning the food of the people, stealing their cattle, murdering them, they were not yet conquered. There was a sum of 350,000*l.* for the militia; he (Mr. Reynolds) had abstained from voting when the question was under discussion, but if he had voted, he would have voted against any proposition to embody the militia. He could not on the last occasion have voted on that side of the question without leaving himself open to a charge that he was not anxious to incur, namely, supporting a factious Motion; and he thought the best thing was not to vote at all, but to reserve his opposition for a future stage of the Bill. The course adopted by him was also adopted, he believed, by those with whom he was in the habit of acting; and, therefore, the right hon. Gentleman should not be perfectly satisfied that he would carry the Militia Bill. He thought it was not required, and that it was only a claptrap to draw the attention of the people of the country from other and more substantial measures. If such a measure were necessary, there was no hon. Member would be more willing to vote for it than he would; but he was one of those who believed that a militia force was the least efficient and most expensive of all military forces, and therefore he was prepared to vote against the proposition in every stage in which it should appear before the House. Some time before the Easter recess he put a question to the Government whether it was their intention to introduce a Bill during the present Session, with a view to place the dealers of home-made spirits in bond on a footing of equality with those of foreign and colonial spirits, as regarded the loss by leakage and evaporation. That question remained on the paper, and the day arrived for the answering it, when the Chancellor of the Exchequer stood up in his place and put a padlock on the lips of his noble countryman, the Chief Secretary for Ireland, and prevented him from answering it, and he said that he should reserve the answer he had to give until the time when he should make his financial statement. He took the liberty of asking the Chancellor of the Exchequer whether he could name a day on which he would make a financial statement, and whether he would give Members a few days' notice of his intention. He was now here in accordance with his notice; but, in the statement made that night, there had not been one sentence upon the subject of the distillers' question. He, therefore, thought he had a right to complain that the right hon. Gentleman had not told the Irish distillers what his intentions were with respect to their question. He would be the last man to do aught which could possibly disturb the extraordinary harmony which appeared to prevail to-night between hon. Gentlemen on both sides of the House. He thought they were a united happy family. The Chancellor of the Exchequer praised his predecessor, and his predecessor in turn praised him. How long the truce would last he could not say; but he complained that the right hon. Gentleman had not told the Irish distillers what he meant to do in their case. The distillers were impressed with the belief that, having got very little from the late Government, they might obtain something from the present Ministry. They were beginning to think that the Government might be inclined to extend justice to them, if not from love, yet from policy. The people of Ireland expected their local institutions would be spared, and that the manufacturers of spirits in Ireland would not be treated worse than the manufacturers of brandy in France, or of wine in Spain and Portugal. With the budget, in one point of view, however, he was exceedingly well satisfied. He had been unable to find a single passage in the speech of the right hon. Gentleman which suggested the idea that there was any intention on the part of the Government to give any protection to any particular interest; and the question of protection appeared now to be laid at rest.

Mr. BRIGHT would say honestly that he participated most largely in the satisfaction generally expressed, not with the manner only, but with the matter, of the right hon. Gentleman's speech. He thought, though, that he had, after being, as he said, six weeks in the office of Chancellor of the Exchequer, fallen into an error from which his predecessor was by no means free—that of charging the people of this country with an impatience of taxation. The first part of his speech was devoted to an exposition of the difficulties which a Chancellor of the Exchequer found in dealing with the three great branches of taxation. He said it was impossible—he did not quote the right hon. Gentleman's exact words, but such were their effect—he confessed it was not possible to revert to a system of increased taxation on imports. He entirely agreed with the right hon. Gentleman in that opinion; but he did not think that that argued the least impatience of taxation on the part of the people. The right hon. Gentleman made the same observation in reference to the Excise duties. But there also he had entirely failed to prove any impatience of taxation in the people, such as a Chancellor of the Exchequer had a right to find fault with; for it must be borne in mind that from 1790 to 1815—a period of twenty-five years—the taxation of this country was gradually increased, and that it was increased on no principle which referred the interests of commerce or of the people, but simply on the principle of levying as much as possible, by any means whatever, from any class in the country that could be made to pay taxes. He must say that to a more recent period, even to so recent a period as 1824, it would probably not be possible for the malicious ingenuity of statesmen to devise a system more calculated to strangle industry, to create poverty among the people, and to prevent the accumulation of wealth, than the system which then prevailed. Of late years the people had begun to understand this question; and he would be bound to say that amongst the intelligent classes of Great Britain and Ireland, at this moment, there were hundreds of thousands who understood the principle of taxation, and who would better arrange the finances of this country, than the statesmen who had managed them for twenty or thirty years of the period to which he had referred. But the right hon. Gentleman's statement was itself a complete justification of the people for their unwillingness to have more import duties imposed. He had shown that the result of taking off those import duties was of the most advantageous character to every interest in the country; that by taking off twelve millions of taxes in the last ten years, no greater loss than 1,200,000*l.* had occurred to the revenue; and if such a reduction had produced so advantageous a result, it was a reasonable conclusion that if they were to attempt to retrace their steps and reimpose the import duties, those advantages would be destroyed, and all the evils again incurred which had been inflicted by the miserable fiscal system of past years. There was not a man in the House who did not see that no Chancellor of the Exchequer would dare to stand up in his place—now, in a time of peace, at any rate—and make a proposition which went to impose higher duties on the importation of articles from foreign countries. The right hon. Gentleman had also referred to direct taxation; and he there also intimated his opinion that the people were somewhat impatient, and he thought the right hon. Gentleman had also hinted that they were also unreasonable. Now, he (Mr. Bright) did not think that there was throughout the country any feeling whatever against the principle of direct taxation to the extent which was involved in the sum raised by the income tax. He and his right hon. Colleague (Mr. M. Gibson) represented a constituency perhaps as much affected by the income tax as any—certainly as any—borough constituency in the kingdom; but he had not been commissioned by his constituents to make any protest in that House against the principle of direct taxation; and he believed that though many persons in 1842 were exceedingly exasperated at the proposal of the income tax, believing it to be proposed to meet a deficiency which they said arose from the existence of a monopoly that they were banded together to suppress, yet so soon as they found that the income derived from that tax was used by Sir Robert Peel to introduce a new and improved system of taxation, the objections to it were for the most part at an end; and he believed also, that from that time to this they had given, through their representatives in that House, their cordial support to every proposition for the continuance of that tax. To his mind, one of the most satisfactory points in the right hon. Gentleman's speech was, that he had in so courageous a manner proposed the prolongation of that tax to a period, at all events, when some further steps in regard to it might be originated from the report of the Committee that was now sitting. To one point connected with that tax, he wished to draw the right hon. Gentleman's attention. There were two grounds of objection to it: first, the inequality as regarded the various kinds of income. Into that he would not go; he believed it to be an exceedingly difficult question; he did not think it possible for the Chancellor of the Exchequer, or any man, exactly to adjust it, so as to say it was quite equal; but he believed an approximation to justice might be made. But another ground of objection was, that the Income Tax Commissioners throughout the country were taken from the Land Tax Commissioners, who had been chosen without any reference to managing the income tax. In some parts of the country, where party feeling had been exceedingly high, Income Tax Commissioners, from the circumstance of their being chosen from the Land Tax Commissioners, were composed exclusively of one political party. In one district, he had been informed, that out of the whole body of Commissioners, there was but a single person who, if he were in that House, would sit on the Opposition side. He did not say the Gentlemen who sat on the other side might not be as good Commissioners as any who sat on his side; but he did say that in a district where party spirit ran exceedingly high, it was an injudicious thing to have the Commissioners all of one political party. He should like to make a suggestion to the Chancellor of the Exchequer with regard to the mode of constituting the Income Tax Commissioners. If the right hon. Gentleman could arrange a system by which the persons who paid income tax in any given district during the last year, or the last three years, might be allowed out of their own body to choose the Commissioners for assessing the income tax for the next year, or the next three years, as the case might be, he believed it would give great satisfaction, and remove one of the greatest grievances existing in connexion with that tax. With regard to the general question which had been discussed on both sides of the House, he thought they might almost conclude that, on the great questions which had been illustrated in the speech of the right hon. Gentleman, they were pretty much agreed; and he might almost congratulate them on the great progress that had been made in it, as had been illustrated by the right hon. Gentleman. But he should just wish to state to the House that the origin of that speech, and the facts on which it was based, might be ascribed to the Committee on the Import Duties which was appointed in 1840 on the Motion of Mr. Hume and Mr. Villiers. From the evidence given before that Committee had come all the train of grand and eventful circumstances connected with the fiscal changes in this country. About the same time the Manchester Chamber of Commerce took up that question, worked it with very great perseverance, and prosecuted it to so successful an issue, that Sir R. Peel was converted to their opinions; and through those conjoint circumstances they had landed now on a position, exceedingly fortunate for this country, when, on both sides of that House, the leading statesmen in Parliament admitted that those great principles which all the illustrious writers on this subject had advocated, were not only sound in theory, but had been productive, after being practically introduced into the fiscal system of this country, of the most extraordinary advantages to the nation. The right hon. Gentleman the Chancellor of the Exchequer referred in the course of his speech to the question of the sugar duties, and described in a most emphatic manner the remarkable gain to the country by the reduction of those duties. He recollected the right hon. Gentleman complimenting another right hon. Gentleman on the Opposition side of the House, with having converted two Secretaries of State. Now, the right hon. Gentleman had sitting by his side another Secretary of State, who had taken a great interest in the question of the sugar duties, and he (Mr. Bright) hoped the right hon. Gentleman would succeed in converting him (Sir J. Pakington) to the wisdom of the existing policy in reference to the sugar duties. At all events he trusted we should not find the right hon. Gentleman the Secretary for the Colonies advocating the principle of the people of this country being put on a short allowance of sugar. He understood the Solicitor General was to address a large meeting at Ipswich tomorrow. He did not know what was the hon. and learned Gentleman's brief; but if he was in the confidence of the right hon. Gentleman the Chancellor of the Exchequer, before he left town he (Mr. Bright) hoped the right hon. Gentleman gave him a hint not to expose himself in the manner he had done on a recent occasion. The right hon. Gentleman had that night proved that the people of this country had consumed a large and increasing quantity of tea, and that the sugar consumed had increased in proportion. Now he should like to ask the House, if the people had had so much more sugar and tea, whether it was not likely that they had had also an increased proportion of bread and butter to boot? He came now to the question of surplus; and he confessed he was disappointed. He thought the right hon. Gentleman had under-estimated the amount he would receive. Chancellors of the Exchequer were apt to keep down the estimates of income, that they might have a surplus, and that they might not be called on, perhaps unreasonably, to make reductions; but the right hon. Gentleman acknowledged that he had a surplus of above 460,000*l.*; but then he said that he had put 300,000*l.* aside for paying the militia. He (Mr. Bright) was glad that the question of paying for the militia had come before the House. There had never been two military or naval men in that House who had been agreed as to the propriety of calling out the militia. The truth was, the whole question of the militia was in a haze. The noble Lord (Lord John Russell), making one of those mistakes which, notwithstanding his good qualities, he was somewhat remarkable for, brought in a Militia Bill; and the right hon. Gentlemen opposite fell into a similar mistake, and, instead of making a good proposition, had actually seized hold of that which was the most mischievous and the least necessary. Now, if they added the 300,000*l.* to be expended on militia—and it was a monstrous and incredible thing that there should be such an expenditure, when the right hon. Gentleman had shown that they had already expended fifteen millions for defences—a sum which Chancellors of the Exchequer spoke very glibly of, but a sum which could hardly be conceived, which was equal to what they received for the whole of the Excise duties, to three-fourths of the receipts for Customs duties, to one-half of what they paid for the interest of the national debt—it was, in his opinion, a species of effrontery to ask 350,000*l.* for the militia, and he certainly hoped that the Bill would not be passed. The Chancellor of the Exchequer, like his predecessor in office, had taken advantage of a most discreditable thing, in the case of the farmers, and the mode in which they were assessed to the income tax. The farmer was only rated on one half of his rent, and in addition to that advantage they gave him a right of appeal against the sum at which he might be assessed. That he thought a most unfair advantage. It was an advantage which the merchants and manufacturers of Manchester would be delighted to receive. They gave to the farmer the right of a double appeal, in order to bring his payment below the maximum; but they did not give the Chancellor of the Exchequer the right of appealing against the farmer. The maximum should be limited, or the Chancellor should be allowed to appeal. The right hon. Gentleman the late Chancellor of the Exchequer brought the subject into the House at a late hour, without having given notice of it. He (Mr. Bright) alone protested against it, and it was carried before anybody knew about it. When the right hon. Gentleman brought it forward, he complimented his hon. and gallant relative the Member for Lincoln, taking it up on his own responsibility; but the right hon. Gentleman gave no notice—he proposed and carried it without any discussion. It was passed like the rider of a Bill, and was done on the very worst possible principle—contrary, in fact, to all those principles on which the right hon. Gentleman (Sir C. Wood) had prided himself as Chancellor of the Exchequer. He (Mr. Bright) did not think the farmers wanted this double appeal. With regard to the 150,000*l.* which the right hon. Gentleman the Chancellor of the Exchequer had stated he should lose in this way, he had not stated whether it belonged to Schedule C or Schedule B; whether to the farmers or to the landlords. He ought to have stated that, taking the 460,000*l.* of surplus, the 350,000*l.* for the militia, and the other 300,000*l.*, there was a sum of one million which might be dealt with. By insisting on bringing in that Militia Bill, the right hon. Gentleman was getting himself into interminable trouble. If it were passed, it would meet him again at the hustings, and then the right hon. Gentleman would discover all its difficulties. If they wanted an expression of public opinion against it, it might be found in the division of the other night, on which the Members for every large borough and city constituency had voted for not proceeding with the Bill. Instead of expending the money required for the militia in such a way, it might be better employed in giving relief to some branch of industry. He had no objection whatever to the interests of the constituents of the hon. Baronet the Member for Essex (Sir J. Tyrell) being considered with such a view. The principle on which he and his friends had acted in their agitation during the last few years, both in the country and in the House, were consistent and honest. They did not regard a man as a farmer, a landowner, a cotton spinner, or a shopkeeper, but they wished to apply the principle to the whole industry of the country. If the right hon. Gentleman the Chancellor of the Exchequer had had a little more courage, if he could have shaken off that mischievous and pernicious Militia Bill, he might have repealed both the hop and the malt duties. In short, the hon. Baronet (Sir John Tyrell) could have suggested half-a-dozen other subjects for consideration. A few nights ago his right hon. Colleague (Mr. M. Gibson) had proposed a most important Motion; and he (Mr. Bright) asked the House whether the repeal of the advertisement duty and of the stamps on newspapers, both of which might have been done away with, without greater expenditure than that to be incurred for the militia, and the removal of which was called for on moral and industrial grounds, whether it would not have been better for the House to have repealed those duties, than to spend 350,000*l.* on a militia, to keep off what all considered to be an imaginary danger—a force which, according to military men, was ludicrous in the extreme. The militia was a great hoax altogether. The hoax had been palmed off upon the noble Lord the head of the late Administration, and the right hon. Gentlemen finding the Militia Bill in the pigeon-holes in Downing-street have been equally taken by it. The noble Lord had been misled by the clamours of the United Service Club, and by certain alarming letters in the *Times*—and mistook them for expressions of public opinion. The speech of the right hon. Gentleman was a candid speech, and needed no comment from him. It was an admirable speech—the speech of a man having a great case before him, and of which the right hon. Gentleman had made all that he ought. The speech, however, was one which every one possessing the powers of the right hon. Gentleman, and standing at that box with all the facts of the case in his possession, could have made. But the right hon. Gentleman had not improved the condition of the people, nor had he modified the operation of Schedule D on the great mass of the community. But still the right hon. Gentleman, who was formerly one of the most powerful opponents of the policy which they (the free-traders) had supported, when placed in the position of Chancellor of the Exchequer, coming to a knowledge of the facts and figures with which they had been long conversant, found the case so strong, that although opposed by his friends, he had stood forth in the face of the House and the country to bless the policy which he had so frequently censured.

SIR JOHN PAKINGTON did not intend to follow the hon. Gentleman into all the subjects which he had discussed, and should not have said a word had he not been pointedly referred to on the subject of the sugar duties. In referring to the subject of the sugar duties, the hon. Gentleman (Mr. Bright) implied that he (Sir J. Pakington) must have become a complete convert to the Act of 1846, in consequence of the candid manner in which his right hon. Friend the Chancellor of the Exchequer had admitted the remarkable extent to which consumption had been stimulated since that period. It could not be necessary for him to point out to the hon. Gentleman that in dealing with the affairs of this great empire, various interests had to be considered; and however much that Act might have benefited the consumer, the Government was bound also to consider the interests of the colonists. And there was another subject mixed up with this question, which the hon. Gentleman should be the last to disregard—it was the question of slavery. The hon. Gentleman ought to be aware that, although the increase of consumption during the last few years had been very remarkable, yet that that increase of consumption was not to be attributed solely to the Act of 1846. The cultivation of beetroot sugar had of late years been increased to a very great extent on the Continent: the amount of land employed in Germany in the cultivation of beetroot sugar had increased to an enormous extent. The consequence of that increase had been that slave-grown sugar had been to a great extent excluded from the Continental markets, and that that slave-grown produce had of late found its principal market in this country. That was a fact which ought to be borne in mind; and if he might request the attention of the hon. Gentlemen who had appealed so triumphantly to the increase of consumption, he (Sir J. Pakington) doubted very much, looking to the general bearings of the question, whether that ought to be subject of congratulation. What had been the statements of the right hon. the Chancellor of the Exchequer on the subject? The hon. Member ought to have borne in mind that his right hon. Friend had touched upon the subject in reference to one point, and to one point alone. He (the Chancellor of the Exchequer had referred to it as connected with the consumption of the people as bearing upon the question of revenue. The figures of his right hon. Friend gave the following: He had stated that the importation of British sugar had not fallen off, but that it had gradually increased during the last five years. The importation of British sugar in 1852 was 5,207,562 cwts.: in 1851 it was 5,093,324 cwts., showing an increase of 114,238 cwts. [Mr. BRIGHT: Take 1845–1846.] When a direct appeal was made to himself, he was bound to make some reply; and he did not think that was a very generous way of meeting him, by asking him to go back to 1845 and 1846, for which he was not prepared. His right hon. Friend had stated the total importation of Foreign and British sugars during those two years. In 1852 it was 7,613,144 cwts., and in 1851 it was 7,202,159 cwts., showing an increase of 410,985 cwts. in 1852. He (Sir John Pakington) had shown the comparative importation of British and foreign sugars, that the increase of British sugars was 194,000 cwts. That must therefore be subtracted from the total difference of the two years, and there then remained the fact, that while, in 1852, as compared with 1851, British sugars had increased 114,000 cwts., foreign slave-grown sugars had increased 248,747 cwts. The total quantity of foreign sugar, he need not remind the House, imported, was very much less than the importation of British sugars, and therefore the percentage of increase upon foreign sugars as compared with British sugars was enormously great. It was clear from these statements that the lowness of price and the increase of consumption were caused, not only by the Act of 1846, but by the pressure on the market of slave-grown sugar, thrown out of competition in the Continental markets,—and by this increased importation the revenue had been increased. That was the statement of his right hon. Friend the Chancellor of the Exchequer. The statement of his right hon. Friend had not concealed the fact that slave-grown sugar was now consumed in this country to an extent never known before; and he (Sir J. Pakington) was sure that it was the circumstance to which he had adverted that had involved our sugar-producing colonies in increasing distresses. He could tell the hon. Gentleman (Mr. Bright) that the colonial interests, with which he was most concerned as a Member of the Government, were far from being resigned. So far from being in a state of prosperity, the colonies were suffering very greatly. At that moment he held in his hand two petitions which had arrived by a late mail, and which he had not yet presented to the House—one from the colony of Jamaica, and the other from British Guiana, which contained a tale of ruin and distress — quite different from the tone of triumph of the hon. Gentleman. He would not trespass longer on the House; but having been so pointedly called on, he could tell the hon. Gentleman that, while admitting the extent to which consumption had been stimulated by the various causes to which he had adverted, he (Sir J. Pakington) certainly had not been converted to the Act of 1846. Whatever advantages that Act might have conferred on the consumer by cheapening sugar at home, that policy had conferred no benefit whatever on the producers in the British colonies.

Mr. LABOUCHERE said, that the subject of the sugar duties well deserved discussion by itself; and thinking, as he did, that the language of the right hon. Baronet was calculated to do great injury by keeping up a feeling of uncertainty in the Colonies, in holding out to them hopes of protection which were doomed to be disappointed, and which were calculated to check the efforts they were now, as he believed successfully, making to meet the altered circumstances of the times, he could not refrain from offering a few observations to the House. The right hon. Gentleman (Sir J. Pakington) had said, that there was nothing in the statement of the Chancellor of the Exchequer to indicate that he considered that the recent commercial policy of this country was not fatal to the interests of the Colonies. Now, he (Mr. Labouchere denied that. What was it that the right hon. Gentleman the Chancellor of the Exchequer said? He pointed out, as was his duty, the beneficial result of the reduction of these duties, and he then expressed his satisfaction that that policy had not been attended with a diminution of the importation of sugar from those Colonies. But, said the right hon. Baronet (Sir J. Pakington), the importation of foreign sugar had increased. Why, to be sure it had. That was the necessary consequence of the measures adopted by Parliament—it was the natural result of throwing open their ports. The only question the House had to consider was, whether those advantages had been purchased entirely at the expense of the Colonies. Now it was an established fact, that a greater quantity of sugar had been imported last year than in the year before:—but then, says the right hon. Baronet, the price is greatly diminished. No doubt the price of sugar was lower. No doubt the consumption of beetroot sugar on the continent of Europe tended to reduce the price of sugar generally; in fact, it was impossible that that increase could have taken place without lowering the price of sugar generally; but a reduction of price was one of the greatest checks to the slave trade, because it diminished the motives of the slave trader to continue his traffic. High-priced sugar was the greatest encouragement to that infamous system. Before he sat down he could not refrain joining his voice with those of so many other Gentlemen in expressing the deep satisfaction with which he had heard the speech of the right hon. Gentleman the Chancellor of the Exchequer. It was with no feeling of party gratification that he said this; but, after having heard that speech, he, for one, was deeply convinced of the complete and final establishment of those principles and of that commercial policy which had already tended and which were calculated permanently to promote the happiness and prosperity of the people of this empire. He rejoiced to see a man filling the high position which the right hon. Gentleman now held, possessing the talent he unquestionably on all occasions displayed—he rejoiced to see such a man enforcing and illustrating the soundness and the wisdom of those principles on which the commercial policy of this country was based. But he had heard the speech of that right hon. Gentleman with no surprise. It was impossible that a man with his comprehensive and vigorous mind, placed in his position, and with the weight of official responsibility pressing on him, when obliged to investigate the facts which had resulted from that policy, and to go into the details by which its operations were carried out, could arrive at any other conviction. He hoped, at the same time, that the House and the country would recollect that this conclusion on the part of the right hon. Gentleman had not been arrived at upon garbled statistics. They had not been "cooked," as the expression was. The statistics which had been laid upon the table were not those presented by him (Mr. Labouchere), but were produced by the innocent hand of the right hon. Gentleman the new President of the Board of Trade (Mr. Henley). He (Mr. Labouchere) believed that the statements which the right hon. Gentleman had made, would be received by every class in the country with the most implicit confidence. They, indeed, spoke for themselves, and presented evidence of the prosperity of this country of a most satisfactory character. He, in fact, considered the debate to-night to be the death blow and knell of Protection; and that, concerning a subject which had been so protractedly agitated, there would no longer hang over the minds of the people that uncertainty which had hitherto prevailed, but that general satisfaction would be diffused through all classes of the community.

Mr. Alderman THOMPSON said, he, too, had heard with unusual satisfaction the statement that had been made by the right hon. Gentleman. In reference to the speech made by the hon. Gentleman opposite (Mr. Bright), and his remarks upon sugar, he (Alderman Thompson) was convinced the increased consumption of that article had arisen solely, not from the lowering of the duties, but from the great depreciation of the price consequent upon the increased importation of it from foreign countries. The importers had sustained a loss upon an average of from 5*l.* to 8*l.* per ton. The import of coffee had been greatly increased, and yet the importers had suffered; and why? Because the import price was very low, leaving also a heavy loss to the importer. Indeed, not a few of foreign articles realised the import prices, and hence there would be a diminution in the quantity imported, and in the ensuing year a probably diminished consumption: the Chancellor of the Exchequer was therefore right in not estimating the same amount of revenue upon sugar and coffee for the current as he had received for the past year. Notwithstanding the taunting references from the opposite side of the House to the free-trade tendencies of the Chancellor of the Exchequer, he understood that the right hon. Gentleman admitted, as he was bound to do, the excellent financial condition of the country, and then he stated that he would prefer the revenue should for the most part be raised by indirect taxation, leading the House to suppose by what he said, that, before the next Session of Parliament he would reconsider the whole system of the taxation, and would give relief where relief was needed. He must say that during the thirty-two years he had sat in the House, he had not heard a more clear financial statement. As to the income tax, which the hon. Gentleman had eulogised, he had found in all circles where he moved but one opinion of dislike, and a desire to get rid of it; and he hoped this would be the last attempt at a renewal of it. The tax upon houses gave very little satisfaction, and operated so ill, that in the City of London alone there had been 800 surcharges. It was open to the same objection as the property tax, that so small a proportion of the people were subject to it. Houses above 20*l.* a year were exempted from its operation; but these were the very description of houses which produced an income varying from 15 to 25 per cent. Why, that was exactly the description of property they ought to tax, and he could not conceive why they were exempted.

Colonel THOMPSON would be sorry to mar the concord of this pleasant evening by any unkind criticisms, but he felt it his duty to state that there were some in the House, and more in the country, who absolutely called for an income tax, because they thought it was only an act of justice under actual circumstances to the poor and the operative classes. Was it or was it not the fact, that the poorer classes paid by indirect taxation at a higher rate than their richer fellow citizens, he did not mean by any small or fractional difference, but in some instances by as much as ten or eleven times the rate at which the rich were paying? The operative classes had a firm conviction that for this they had a right to what in the Army was called an "overslaugh." He knew that in this he did not concur with some friends on his side of the House; but he thought if hon. Gentlemen would put themselves in the place of the working classes and the holders of small incomes, they would be of the same opinion. On another point, too, he was at issue with the same friends. He was himself a holder of temporary income, and therefore spoke with feeling; but for his life he could not see in what manner, supposing the income tax to be perpetual, he was taxed unjustly. He paid the tax during his own life, and those who should get the property after him would pay during theirs. After great and habitual attention to arithmetical and mathematical questions, he had been utterly unable to discover that this was not as it ought to be. If it was intended to urge, that incomes arising from present industry ought not to be taxed at the same rate as incomes arising from past industry, let this ground be fairly stated, and all be made of it that could. But do not let the question be fought under false colours. On both the points stated, he believed the friends alluded to, to be entirely in the wrong. It was not for him to compliment the

Chancellor of the Exchequer; but if it were agreeable to the right hon. Gentleman to hear it from an adversary of no new standing, he would avow high satisfaction at what he had heard, and request to add his testimony to that of the many others who had preceded.

Mr. Alderman SIDNEY begged to state that his opinion and the opinion of commercial men, was opposed to the hon. Member for Bradford (Colonel Thompson), inasmuch as they viewed the income tax as a most unjust and oppressive tax. He did not deny that direct taxation for the purposes of raising revenue was a preferable mode to indirect taxation. He assented to the statement of the hon. Member for Finsbury (Mr. Wakley), that, by indirect taxation, the people were less aware of the amount of taxes they paid, and only found it out by the poverty to which they were reduced. But though he would willingly support direct taxation, he required that it should be levied upon fair and just principles. The income tax was introduced as a temporary tax; and Sir Robert Peel offered that as the only defence of the inequalities which he admitted did exist. But, under different circumstances, he hoped the Chancellor of the Exchequer would direct his attention to the oppressive mode in which it was at present assessed, not only upon the tradesmen in London, but in many provincial towns. Parties who had suffered large losses for many years, and made no profit under Schedule D, went before the Commissioners and stated the truth; but the Commissioners, instead of believing them, inquired the amount of their returns, and then assessed the income tax upon the profits which they said ought to have been made with such returns. Consequently it was a matter of common occurrence to find persons in the bankruptcy courts, figuring as having been assessed at hundreds a year to the income tax, who could only pay their creditors *5s.* or *10s.* in the pound. He did not approve of the exclusion of real properties and incomes under *150l.* a year from the operation of the tax. It was a fact not to be controverted, that upwards of *70,000,000l.* of Consols were exempted from the income tax by this arbitrary limit: but upon what principle of fairness that exemption was to be advocated, he was at a loss to understand. Sir Robert Peel justified the tax in its pressure upon the widow and the possessor of small fixed property, upon the ground that the reduction in the cost of articles of daily consumption was more than a compensation for it. If that were true, persons possessing incomes of *50l.* a year, certainly of *100l.* year, ought to be included. The same argument applied to the inequality of the house tax. He could never understand upon what principle houses of *20l.* a year value were exempted. He knew there were a great many independent men living in houses of less value than *20l.* a year, and were thus exempted from the tax: whilst the tradesman in a provincial town had to pay more by the house tax than by the window duties. He would only add his testimony to that, so universally expressed, as to the talented manner in which the right hon. Gentleman the Chancellor of the Exchequer had acquitted himself upon this occasion. The hon. Member for Montrose (Mr. Hume) twitted hon. Members on the Ministerial side of the House for not having applauded the right hon. Gentleman so warmly as hon. Gentlemen on his (Mr. Hume's) side of the House; but he reminded the hon. Gentleman that they represented a suffering interest, and he was sure it would be generally admitted that in any diminution of taxation the landed proprietors had some claims for consideration. In conclusion, he begged to say that he would heartily support the present policy of the Government in asking for the continuance of the income tax for one year longer. He did so, however. with the restriction that, in the event of his having the honour of a seat in that House after the present Session, he would oppose the further reimposition of that tax in its present odious and unjust state.

Sir CHARLES WOOD said, in reply to a statement of the hon. Member for Westmoreland, that he had given no orders to surcharge the house duty of London. The sum produced by the tax was within *13,000l.* of his estimate last year, and therefore there was no necessity for giving such an order.

Lord ROBERT GROSVENOR said, he had listened to the speech of the Chancellor of the Exchequer with unmitigated satisfaction, and it was not his intention to revert to the disagreeable reminiscences of bygone times, when the right hon. Gentleman held different opinions. If he had ever heard a speech illustrating in the strongest light the value of the policy pursued from 1842 up to the present moment, that speech was the speech of the right hon. Gentleman. He was delighted to see those principles acknowledged by the heads of all parties in the House. No time need now be wasted in discussing any attempts to change that policy: the principles being agreed upon, all they had to do for the future was to decide upon the best method of applying them to the taxation of the country. The Chancellor of the Exchequer had specially dwelt upon the subject of direct taxation, and intimated a fear of embarrassment in any attempts to extend that method of raising the revenue. He (Lord R. Grosvenor) did not anticipate that the right hon. Gentleman would have to encounter the difficulties he had shadowed forth. The Chancellor of the Exchequer had spoken of the impatience of the House with respect to the income tax, the difficulties which surrounded a fair assessment of it, and the scrutiny of the Select Committee. Since he (Lord R. Grosvenor) had represented the county of Middlesex, he had never presented a single petition against the income tax. The general tenor of the many petitions he had presented was not to object to direct taxation, but to complain that the income tax was not fairly imposed, and ought to be referred to a Committee to inquire whether it could not be modified; and he was quite certain that a vast majority of his constituents would prefer an income tax fairly levied to any attempt to extend indirect taxation. He could point out to the right hon. Gentleman how he might continue to raise 20,000,000*l*. by Customs duties, and, at the same time, largely recruit the taxation upon articles of consumption. For instance, there was the article of tea. He was convinced that even with the present small surplus, the Chancellor of the Exchequer might reduce the duty one shilling, and in the course of a year or two obtain the same revenue from the increased consumption. That tax certainly did fall in a greater proportion on the poor than on the rich. He himself did not use tea at all. A labourer in his employ used half a pound a week; and therefore paid 52*s*. a year in duty upon an article upon which he (Lord R. Grosvenor) paid nothing, although the labourer did not possess more pounds than he did thousands. The same held good with respect to articles not of prime necessity; such as tobacco. There was a good deal of smuggling in tobacco, and the smuggler could tell them the exact extent to which they could reduce the duty without risking the amount of revenue derived from it. He had never heard the fact questioned, that with respect to tobacco they might make a very large reduction of duty. He might also say the same of wine and other articles of minor importance, which it was not necessary he should specify. He was quite sure they might give a very large alleviation in taxation to the working classes, and yet preserve the same amount of revenue they had at present. Then, too, with regard to the Excise, it was not only that all Excise duties operated as a drawback to consumption and to the industry of the country to the amount levied—it was not merely that it was the most hateful method of levying duties, but in many cases the Excise duties entirely barred all improvements, created monopolies, and taxed the country to three or four times the amount of the sum which found its way into the Exchequer. He wanted to show the right hon. Gentleman how he could reduce those duties. When a just system of direct taxation was once established, they might extend it. The moment the people were convinced of the fairness of the principle, they might raise an additional revenue of two or three millions from that source. His hon. and gallant Friend the Member for Bradford (Colonel Thompson) seemed to see a sort of poetical justice in the poor being exempted from direct taxation, because they paid too much in indirect taxation. That he (Lord R. Grosvenor) could not agree with. He thought the poor man, though he did not pay a direct income tax, paid it in taxes on articles of prime necessity; but if the poor man paid more than he ought, for God's sake let him be relieved, and let them have just principles of taxation. There was also another instance of what he considered an injustice. The legacy duty was not paid upon landed property, and he trusted the right hon. Gentleman (the Chancellor of the Exchequer) would apply his powerful intellect to that subject, as well as to the Customs and Excise duties. If the right hon. Gentleman succeeded, after a little more time and a little more consideration, in obtaining a just system of taxation, he would truly deserve the thanks of the people of this country.

Mr. HODGSON said, though the House had heard, that evening, so much congratulation on the general prosperity of the country, he had been entrusted with a petition which did not bear out those statements. It was a petition from the hand-loom weavers of the city of Carlisle, which stated that they were suffering great distress; and that the average rate of earnings of the best workers for rather long hours of labour was not more than from 4*s.* 6*d.* to 5*s.* 6*d.* a week. He could not tell whether the cause of this suffering was the improvements in machinery, or what it particularly arose from, but he hoped the Government would take the case of those petitioners into serious consideration, and either assist them to emigrate, in order that they might become agricultural labourers, or enable them to obtain better wages at home.

MR. EWART said, it had been asserted that extensive losses had been inflicted on the importers this year of sugar, coffee, indigo, and various other articles ; but if the hon. Member for North Warwickshire (Mr. Newdegate) had consulted the best authorities on those subjects—if he had looked into the trade circulars of London and Liverpool, he would find that the real cause of that depression arose from over-trading. He hoped the right hon. Gentleman the Chancellor of the Exchequer would excuse one observation which he (Mr. Ewart) wished to make. The right hon. Gentleman seemed to think that the great object of Gentlemen on that (the Opposition) side of the House was to have nothing but a reduction of Customs duties, and that it was the privilege of hon. Gentlemen opposite to take upon themselves the care of the duties of Excise. But if the right hon. Gentleman consulted the records of the past, he would find that all those reductions had been made by liberal Governments, from Earl Spencer to Sir Robert Peel, the latter having reduced the duty on glass and the auction duty. Therefore, he trusted the right hon. Gentleman would not consider that the free-traders on that side of the House were not quite as much against the Excise as the Customs duties. It had been said that the right hon. Gentleman the Chancellor of the Exchequer had not proclaimed free-trade doctrines openly. He (Mr. Ewart) did not certainly see him unfurl the standard of free trade, nor hear him quote the device which might adorn that banner; but he stated facts more forcible than all his eloquence, from which the public would draw an inevitable inference, and more in favour of free trade than all the arguments of its supporters. Let those facts go to the country, and he (Mr. Ewart) was convinced the conclusion would be such as he had stated.

MR. G. SANDARS rose to bear a willing testimony to the able, lucid, and satisfactory statement of the Chancellor of the Exchequer, which he believed would give great satisfaction throughout the country, and especially in that part with which he was more intimately connected—the mercantile and manufacturing districts. The right hon. Gentleman had expressed his belief that the falling-off in Schedule D had been chiefly owing to the losses in 1847; but he (Mr. Sandars) was sorry to say the losses on imports the last two years on corn, cotton, sugar, tea, and coffee, were also very large. On corn the losses had been so continuous and serious that he believed that was partly the cause of the great decrease in the imports this year in comparison with the preceding ones; and the right hon. Gentleman must bear in mind that these losses would influence the returns under Schedule D for the three following years. He (Mr. Sandars) should support the Resolution for continuing the property and income tax for another year on its present unequal basis; but he begged to tell the right hon. Gentleman that he would not, nor would the country, consent to renew it for a longer period, unless it were placed on a sound and equitable basis of justice to all parties. It was clearly unjust to levy the same amount of percentage from the uncertain incomes of trades and professions as from that of realised property. If it were to become a permanent tax, and from the opinions which had been from time to time expressed in that House in favour of direct taxation, it would appear as if such a course of legislation was more than probable, these anomalies must be rectified, and the return of incomes should be ascertained by affidavit, which would get rid of that objectionable and inquisitorial system of compelling respectable tradesmen to produce their books. Many consented unjustly to pay the surcharge rather than thus expose their dealings and circumstances to their neighbours. The Chancellor of the Exchequer said, the tax, if continued, ought to be made as general as possible. If this were to be the case, if direct taxation was to take the place of indirect taxation, so as to reduce the duty on articles of consumption, then he (Mr. Sandars) could see no objection to incomes of a smaller amount than 150*l.* being called upon to pay an equitable proportion of the expenses of the State;

and he would then say, give to every such person the elective franchise. This was the sort of reform he would be willing to grant, nor did he see any objection to a 10*l.* county franchise, or of disfranchising some of the smaller boroughs, and transferring them to large and populous towns and counties, providing a fit and proper period was fixed for carrying these important yet desirable changes into effect.

Mr. C. P. VILLIERS complimented the Chancellor of the Exchequer on the ability which he had displayed in making his financial statement, out of which had arisen a most interesting discusion, which was, in fact, that of the connexion between the mode of providing for the burdens of the State, and the prosperity of the community. For years he had been endeavouring to establish a close connexion between them; and he well recollected that in 1842 he had been met with derisive laughter when in his place in that House he stated that the fall of the revenue was occasioned by artificially keeping up the price of food, which prevented a larger consumption of exciseable and other articles of general demand. He was glad to hear the right hon. Gentleman the Chancellor of the Exchequer make the admission he had made that evening; and he hoped the right hon. Gentleman would think he was rewarded by the general meed of approbation which the expression of his sentiments had drawn forth. On that (the Opposition) side of the House, the right hon. Gentleman could not complain; but, indeed, Governments had little to fear from their opponents — the greatest danger usually proceeded from their friends. Such, he might say, had been the case of the right hon. Gentleman; for after the right hon. Gentleman had given a glowing description of the prosperity of the country, and after he had stated that nothing remained to be done, and that he would do nothing—that he could hold out no better prospect for the country than to leave things as they were — after such a statement his hon. Friend (Mr. T. Baring) rose in his place, and proclaimed to the House that the year 1851 had been a most disastrous year. Though their poor-rates were low, though their finances were flourishing, and though their trade was good, the hon. Gentleman asserted that 1851 had been a most disastrous year. He thought, however, that people were too apt to form on such general questions opinions tainted by private views; and the hon. Gentleman, holding a distinguished position in the mercantile interest, and believing that the mercantile world had committed some mistakes in 1851, came to the conclusion that it had been a most disastrous year. Then they found the hon. Member for Westmoreland (Mr. Alderman Thompson) complimenting the right hon. Gentleman the Chancellor of the Exchequer on the ability which had distinguished his statement, but expressing his utter objection to the principle of direct taxation. Now this debate was the most important that had occurred during the present Session; for, according to the highest authority, it was admitted that the country was prosperous, and that that prosperity was connected with the peculiar fiscal and commercial policy adopted of late years, and in which direct had been substituted in a great degree for indirect taxation. Yet the hon. Gentleman the Member for Westmoreland complained of direct taxation. Now he was not aware that many petitions had been presented against the income and property tax—he believed that the mass of the people felt contented under a system of direct taxation, attended as it had been with such results, and that it was only from the wealthy, who were now taxed according to their means, that they heard complaints. He felt it necessary to point out this most distinctly to the Chancellor of the Exchequer, for it was evident that the right hon. Gentleman was fishing for opinions with respect to the future course he should take, and though he appeared to be wavering between direct and indirect taxation, the course which the right hon. Gentleman seemed himself inclined to take, was so encouraging that he hoped he would be supported in it. They had heard it said by some hon. Gentlemen, and he believed the Chancellor of the Exchequer had also stated it, that the landowners were the only persons suffering from direct taxation, or from the successful commercial policy that had been adopted. He, however, begged to dispute the statement made by the right hon. Gentleman, that there would be a loss in the property and income tax of 150,000*l.* owing to the depressed state of agriculture, or, in other words, the fall of rent. ["Hear, hear!"] Yes, he knew what the right hon. Gentleman meant, which was, that if rent falls, the farmers in some cases would become exempt from the payment of income tax—and that they now could show that they had made no profit; but he doubted about this general fall of rent: in some cases rents had been raised, and where land was relet, it was at the same rental after a previous occupier had failed. He did not know how the right hon. Gentleman could come to any positive conclusion on this point. He had not heard much of the distress said to affect the landowners; but however that might be, it was a highly important statement made on good authority now, that the only sufferers from the changes which had taken place in our commercial policy were those who lived upon rent, and did not, therefore, belong to the productive class. He firmly believed that the more they persevered in their present policy, and substituted direct for indirect taxes, the more free would they in consequence leave the capital and industry of the country—the more wealth would thus be accumulated, and while the source of revenue would thereby become more abundant, the weight of all public charges would be less felt by the people. Real property was never of more value than at present, and owing to nothing but the greater activity of commerce and the general well-being of the people. He (Mr. Villiers) said, Persevere in that course, then let the taxes fall directly upon income and accumulated wealth, and substitute that system, as far as possible, for duties of Excise and Customs.

Mr. FREWEN said, that the hon. Gentleman who had just sat down had dwelt on the beneficial effects of free trade; but he could state that in a district with which he was connected—a district fifteen miles round Hastings—large tracts of land had been thrown on the hands of the landlords by the effects of those measures of which the hon. Gentleman so much approved. He thought that the Chancellor of the Exchequer would find that one of his statements was not quite correct. The right hon. Gentleman said the amount he expected to receive from the hop duty for this year was 150,000*l.* less than the right hon. Member for Halifax (Sir C. Wood) received last year. If he would refer to the account he would find that the exact difference against the present year, as compared with last year's hop duty, was 188,078*l.* The amount of duty paid last year on the crop of 1850 (for the duty for one year was always paid in the succeeding year) was 424,702*l.*; and the amount now about to be paid for the year 1851 was 236,623*l.*; making the difference between the two years nearly 190,000*l.* This falling-off showed the precarious nature of this crop, and also the unfairness of this mode of taxation. Many thousands of acres in the hop-growing districts of Hereford had been thrown out of cultivation, and he hoped the Government would not refuse to take into their consideration the alleviation of this oppressive fiscal burden.

Mr. HUDSON said, that the noble Lord the Member for Middlesex (Lord Robert Grosvenor) had stated that the general feeling of his constituents was in favour of a system of direct taxation. He was a little astonished at that remark, especially when he remembered that on the late Government a few years ago proposing to increase the income tax from 3 to 5 per cent, large assemblages were held all over the metropolis, and so great was the excitement that the then Chancellor of the Exchequer was obliged to abandon the proposal. This fact also clearly illustrated how dangerous it would be in a country with a very large debt to rely upon direct taxation as the chief source of our revenue; because, in times of depression, when public excitement prevailed, there would be great difficulty in collecting the taxes, and in obtaining the enactment of the measures by which they were to be raised. The hon. Member for Wolverhampton (Mr. C. Villiers) had stated that the Chancellor of the Exchequer admitted that the classes who were now suffering were the classes who derived their incomes from rent; but surely, if one schedule of the income tax was referred to as evidencing the prosperity of the country, it was only fair to point to another schedule which showed that one important interest at least had sustained a large diminution in their incomes, amounting, he believed, to 5,000,000*l.* a year, thereby causing a diminution of the value of the profit of 150,000,000*l.* The hon. Member (Mr. C. Villiers) said he knew of no instance of a reduction in rents having taken place; but he surely could not have travelled much into the country if he held that opinion. He (Mr. Hudson) was not much of a landowner; but, for himself, he said that it could not be expected that the farmer, under the low prices that now ruled, was to pay the same amount of rents as he had done before. The Chancellor of the Exchequer, in speaking of the prosperity of the country, had not contended that it was owing to free trade—he had not put it upon that principle at all, he merely stated the fact. ["Hear, hear!"] He understood that cheer, but he would remind hon. Gentlemen opposite, that before free trade existed the country had enjoyed as much prosperity as it had now, and money was quite as cheap in the market. The interest which he chiefly represented—the shipping interest—he could assure the House was in anything but a flourishing state. He certainly believed, however, that its condition would revive. His constituents placed great confidence in the present Government, considering that in their hands their interests would be in safe keeping, and that many burdens which unduly pressed upon the British shipowner would be removed. They were anxious that the Government should receive a fair trial, being satisfied that if they obtained an opportunity, at a future day they would develop measures conducive not only to the welfare of suffering interests, but for the benefit of all the great interests of the country. He could only say that the rejection of the increased income tax had added 2,000,000*l.* to the permanent debt of the country. He left it to the noble Lord to say whether that was a wise measure or not. He thought otherwise.

Lord ROBERT GROSVENOR said, that having been so pointedly alluded to by the hon. Member for Sunderland (Mr. Hudson), he wished to be allowed to explain. He freely admitted that the inhabitants of Middlesex had been opposed to the increase of the income tax, as stated by the hon. Member; but surely there was all the difference in the world between objection to the principle of direct taxation altogether, and opposing an addition to any particular direct tax, which was believed to be quite unnecessary, and which belief, as the result of the withdrawal of the measure showed, was demonstrably proved to have been well founded. He had made an omission in his former speech which he wished to correct, and he hoped the right hon. Gentleman the Chancellor of the Exchequer would give him his attention while he did so. It was to state his regret that the right hon. Gentleman had not expressed his willingness to consider the claim of the attorneys and solicitors to relief from the certificate duty, and to announce that, in consequence of his refusal, he (Lord R. Grosvenor) must give notice that on the 25th of next month he would himself move for leave to bring in a Bill to deal with that subject.

The CHANCELLOR of the EXCHEQUER: Sir, I am sorry to have received from the noble Lord an intimation that the campaign against direct taxation is again to be opened under his auspices; and certainly, after having made two previous statements this evening, to close at midnight by assuring me, especially in the present state of the public revenue, that he means to move for a further reduction of direct taxation, is one of the most remarkable communications that we could have heard. I assure the noble Lord that it was from no neglect of the subject upon which I was honoured with the interview of a deputation, headed by the noble Lord himself, from that respectable body the solicitors and attorneys of the City of London, that I did not give him a formal answer in the course of my statement this evening; but because I imagined that the result I arrived at was in itself an answer; and therefore I did not think it necessary to enter into the reasons why I could not grant this remission of direct taxation favoured by the noble Lord, any more than I could accede to the wish of the hon. Member for the City of London, or to that other proposition which has been made relative to the levying of the spirit duties in Ireland. The present position of the public revenue I considered to be a sufficient reply to all these proposals; and I am sorry at the intimation that the noble Lord has thought proper to make, not on account of any embarrassment it may offer to the Government, but rather because in the present Session another attack is about to be made upon that most legitimate source of revenue which we have this night heard so often and so elaborately panegyrised.

Mr. HEYWORTH advocated a system of direct taxation in preference to indirect, as being best calculated to promote the illimitable expansion of commerce. The working classes were now beginning to understand that they were paying by indirect taxation 10, 12, and 15 per cent on their incomes, while the middle classes were dissatisfied at having to pay 3 per cent in direct taxation. There had been a great outcry against the income tax, and it might be that it was open to some objections in its present shape; but if it were continued for a sufficiently long time it would become popular throughout the country; and if they would only reduce still further the amount of indirect taxation they might safely extend the income tax until it should reach the incomes of the working classes. He begged to thank the Chancellor of the Exchequer for having brought forward the budget in the manner in which he had done, and he was certain that the speech of the right hon. Gentleman would carry with it the approval of the country.

MR. CUMMING BRUCE had listened with admiration to the speech of his right hon. Friend the Chancellor of the Exchequer; but throughout the whole of it he had not heard any expression of preference for a system of direct over indirect taxation, which some hon. Members had endeavoured to fasten upon it. His financial statement was perfectly in accordance with the promise which had been given by the noble Lord at the head of the Government, that no change would be made in our commercial or financial policy. His right hon. Friend had simply stated the difficulties with which he had to contend in raising the income of the country. He had stated that some interests of the country were suffering; and the late Government itself, at the opening of the present Parliament, admitted, in the Queen's Speech, that the agricultural classes were in a state of distress, but they forgot to propose a remedy. His right hon. Friend would suggest one. Whatever it might be, it would give equal justice to every great interest in the country.

MR. MUNTZ listened with the deepest attention to the speech of the right hon. Gentleman the Chancellor of the Exchequer, and he must say that, during the twelve years that he had sat in Parliament, he never heard anything more able or lucid. There was one remark in the speech of the Chancellor of the Exchequer that he (Mr. Muntz) could not feel satisfied was quite correct; but he was not going to act so absurdly as to deny the truth of what had been stated by the last as well as the present Chancellor of the Exchequer, with regard to the general prosperity of the country. He would, however, venture to say that he had as ample opportunities as most men of judging of the commercial state of the country, and he could not altogether concur in the glowing accounts given by those two right hon. Gentlemen to whom he had alluded. But his object in rising was to call the attention of the right hon. Gentleman to the unjust mode in which the tax on income was levied. From what he knew of the workings of that tax, he knew that the country at large would be extremely opposed to its renewal, particularly if they should find that it was attempted to be renewed on its present basis. He was acquainted with frequent instances of the injustice of its operation, particularly as regarded the small manufacturers. And the people so unjustly dealt with had no means of redress. They had no resource but to go before the Commissioners. He thought it was advisable to get rid of an income and to substitute a property tax.

MR. ALCOCK quite agreed with the hon. Member for Birmingham (Mr. Muntz) that the income tax was highly objectionable. If continued, he thought it ought to be applied more generally than at present—that it should be extended to all incomes throughout the country generally. He maintained that if the duty on articles of daily consumption, such as tea, tobacco, &c., were lowered, the revenue would not suffer the slightest diminution. He looked upon the duty on tobacco as a monstrous grievance; it encouraged smuggling to a great extent; in fact, about half the tobacco consumed in this country did not pay duty. The income tax was, of course, unpopular. He did not believe that more than 420,000 out of the whole population of the United Kingdom paid the tax; but he was convinced that if a regular system of direct taxation were adopted, it might be levied on 6,000,000 persons, and would yield, instead of 5,500,000*l.*, upwards of 14,000,000*l.*

Resolutions *agreed to;* House resumed.

House adjourned at half after Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 3, 1852.

MINUTES.] PUBLIC BILLS.—1ª Enfranchisement of Copyholds; Ecclesiastical Muniments.

2ª Linen, &c. Manufactures (Ireland); Poor Relief Act Continuance; Loan Societies.

3ª Copyright Amendment.

Royal Assent.—Exchequer Bills; St. Albans Disfranchisement; Sheep, &c. Contagious Disorders Prevention.

DRAINAGE OF LANDS (IRELAND).

The EARL of ROSSE said, that certainly it was not without much consideration that he ventured to ask their Lordships, in the terms of the Motion of which he had given notice, to grant a Select Committee to inquire into the operation of the Acts relating to the Drainage of Lands in Ireland, as administered by the Board of Works. It was with great reluctance that he troubled the House on this subject, for he was aware that attendance on a Select Committee required a sacrifice of valuable time: but the complaints, not from one district alone, but from all parts of Ireland where these works had been carried on, were so general with respect to the course which had been pursued by the Board of Works—and indeed evidence of the fact was to be found in the reports furnished by the Board itself—that it appeared to him to be absolutely necessary that a searching inquiry should be made. When on a former evening he presented a petition on this subject, the noble Lord at the head of the Government expressed an opinion that a Government inquiry would probably be sufficient; but that if it would not, he should have no objection to grant a Parliamentary inquiry. Being anxious not to take up the time of their Lordships unnecessarily, he had consulted with those whose opinions on this subject were most valuable, and had asked them whether a Government inquiry would answer the purpose which he, and those who thought with him, had in view. It appeared to them, and to him also, after some deliberation, that the result of a Government inquiry would not give satisfaction in any quarter. The only mode of giving general satisfaction appeared to them to be an inquiry before their Lordships, when all the facts which were necessary could be fully brought forward and thoroughly investigated, and where the ground might be laid for a prompt and effectual remedy. He was most happy in being able to inform their Lordships that in laying down the ground on which he based his Motion, he should not have occasion to trespass long on their attention. Without at all entering into details or bringing forward a single matter of dispute, there were a few plain, broad, and simple facts, admitted on all hands, which he thought would of themselves form quite a sufficient case to convince their Lordships that an inquiry was necessary. Their Lordships were, doubtless, aware that for many years past very large engineering works had been in progress in various districts of Ireland to relieve the land from superfluous water. They were carried on at the expense of the parties to be benefited, the immediate funds being provided by loans, partly from the local proprietors, and partly from the Treasury, the same as under the Land Improvement Act for England; and the loans were secured as a first charge upon the land. It appeared from the returns for which he had moved at the close of the last Session, that the amount which had been actually expended in this manner, up to the 30th of September, was 1,375,559*l.*, and that the estimate of the total cost, when the works should be completed, was about two millions sterling. But then there were other works which were not actually commenced, but which had been in some degree examined, while in other cases the surveys and estimates were complete; and, as far as he could judge from looking over the returns in their Lordships' library, the whole cost of the works when completed, if they were all carried out, would amount to about five millions. Such was the magnitude and such the scale of the operations which he was now anxious to submit to an investigation before a Committee. These works were carried on in some respects in the same way as similar works were in England; but there was this important difference, that in England all such works were carried on under private Acts of Parliament. In Ireland they might be carried on in a similar manner; but the Legislature, with the view of affording increased facilities for the execution of such works, had provided in the first instance, that where the assent of the proprietors representing two-thirds of the lands to be benefited had been obtained, but subsequently where the assent of more than one-half of the proprietors had been obtained, that then the Board of Works should be invested with powers similar to those of a Committee under a Private Act. So that while in England there was one way in which such works could be carried on, namely, under a Private Act; in Ireland there were two ways—by a Private Act, and also by certain Public Acts administered by the Board of Works. Practically, as far as he was aware, no works were at present carried on in Ireland under a Private Act. The Board of Works, having obtained the assent of the proprietors representing more than one-half of the land to be benefited by the proposed works, were invested with very large and perhaps necessary powers. The proprietors, on the other hand, although they might observe that the works were carried on upon a much larger scale than ever they assented to—although they might see that the estimates must be largely exceeded—yet they had no power, and no control. The Legislature had, probably very wisely, entrusted enormous powers to the Board of Works, enabling them to carry out improvements without the intervention of those who were called upon to pay for them. Now, the principal complaints made against the Board of Works were the following. The first was, that the cost of the works in progress was greatly in excess of the estimate. The proof of the complaint was to be found in the return laid upon their Lordships' table at the beginning of the Session. There were about

193 of these works, and they were arranged in alphabetical order. The first was at Ardee, the original estimate for which was 8,388*l.*; and the total amount that had been expended up to the present time was 17,820*l.*; while the works were still unfinished, and nobody could tell how much they might ultimately cost. The next were the works at Borris in Ossory, where the estimate was 3,486*l.*; and the amount that had been actually expended reached the sum of 9,296*l.* The next case that he would mention was the works at Bandon, the original estimate for which was 47,329*l.*; but the present estimate of the cost of completing the works was no less a sum than 76,000*l.*, and the proprietors had no assurance that they would be completed at that amount. He would not weary their Lordships by going over the rest of the cases in detail; but the summary of the whole of these 193 works was, that up to the present time 1,179,374*l.* had been expended upon them; and the Board's present estimate of the cost of completing them was 1,863,168*l.* He thought that return proved that the first complaint to which he had directed their Lordships' attention, namely, that the Board had largely exceeded the estimates, was well founded. And it must be remembered that these estimates were not like the estimates of an architect employed to erect a fancy edifice, or perhaps some great national building, where he would have the public purse at his back; but these estimates purported to be estimates similar to those that were made by a contractor for his own guidance, when he undertook the works himself; and there was ample proof that the fullest assurances were given in various places, that the estimates were of that character—that under no circumstances would they be exceeded—that there was a large margin taken for contingencies—that the character of the Board of Works was an ample security that they would be executed for the sum for which they undertook to execute them. The next complaint was, that the works were not executed by contract. In this country, he believed in every case, the committee under a Private Act took this course. They appointed an engineer, who prepared a survey, with an estimate giving detailed specifications, and then the work was put up for contract. But the Board of Works had pursued quite an opposite course, having appointed their own engineers, their own surveyors, clerks, and in fact a large staff, and sent them to carry out each individual work—just in the same way as a gentleman sent his steward. It was obvious that a system of that kind might be liable to great abuse. The total annual cost of this large staff for the Drainage department he found came nearly to 30,000*l.*—a tolerable amount of patronage for one officer in a public board. The third complaint was, that the accounts had not been *bonâ fide* brought within the reach of the proprietors. Now, where works were carried on, not by contract, but in this loose manner, with engineers, surveyors, clerks, and other persons, over whom, perhaps, the Board could not exercise any effective supervision, it was obvious that it would have been advisable to have had the attention of the local proprietors directed to the accounts of the expenditure, and thus to have secured a more perfect check than could otherwise have possibly in all circumstances been exercised over the servants of the Board. But so far from keeping the resident proprietary aware of what was going on, and thus enabling them to act as a check, the complaint was that the Board of Works had not complied with the provision of the Act of Parliament, which required that every year a statement of the accounts should be deposited with the clerk of the peace of each county. He was not prepared to say that this complaint was well founded throughout the whole of Ireland, because he had not felt that it was his business to go to every clerk of the peace for the county in Ireland to make the inquiry; but he could state that in King's County there were several works in progress: he had asked the clerk of the peace there whether the Act had been complied with or not, and he found that it had not, and that the accounts had not been deposited with the clerks of the peace. The fourth complaint was, that, having obtained the assent of the proprietors to works on a small scale, the Board had undertaken works on a large scale, without the assent of the proprietors, and left them unfinished after expending the whole amount of the original estimates. He would illustrate this complaint by adverting to one instance, respecting which he had made particular inquiry. He had examined the printed survey and estimates furnished to the proprietors before the work was undertaken, and also the estimate, when the whole sum was found to be expended, and the Board called upon them to assent to a much larger advance money. In addition to this a correspondence had taken place between the Board

of Works and the proprietors, which he had had the advantage of seeing; and although he could not refer to that correspondence because it had not yet been presented to their Lordships, still he might be allowed merely to say that, having perused that correspondence, he felt the more confident that in the statement he was now making he was not misleading their Lordships. In the case of the Brusna drainage, as he had already stated, the original estimate was 47,329*l*., and the present estimate had increased the amount to 76,000*l*. A very long interval elapsed betwen the survey of the works and their actual commencement, so that if any works could be said to have been undertaken after apparently mature deliberation, they were the works to which he was now alluding. With some difficulty the assent of the proprietors to this work was obtained, many of them thinking that the outlay of 47,000*l*. would not pay; but they had the distinct assurance that, whether it would pay or not, at all events, under no circumstances would the work cost more. At length, in July last, the proprietors were furnished with the book which he held in his hand, purporting to be a fresh survey and estimate, stating what further sums would be necessary for the work. He begged their Lordships' attention to this point, as affording, in the instance of a particular work taken as an example, a proof that the Board, in a variety of instances, without consulting the proprietors, or having ascertained their wishes, had altered the works to a larger scale, and having expended the whole of the money, had called upon the proprietors to assent to the expenditure of perhaps as much more. The Board stated as an excuse for the excess over the original estimate, that that excess was caused in the first instance by a complete change in the plan originally proposed, namely, the adoption of a new river course, instead of following the old one. It might be asked, what right had the Board of Works to depart from the original plan to any considerable extent? As far as he could collect from the reports in their Lordships' library, the excuse was, that it was done for the benefit of the proprietors. The proprietors differed altogether from this, and stated that the cost of the works in some instances would exceed the fee-simple of the land. But even if the object of the alterations was the benefit of the proprietors, what right had the Board to make them, and to incur additional expense, without the assent of those who had to pay it? He had already stated the four principal complaints which he wished a Committee of their Lordships to inquire into. Some might ask, what motive could the Board of Works have had for carrying out these improvements in a different way from what they originally intended, and for conducting them upon a much larger scale, without the consent of the proprietors? All he could say was, that in a question of this nature he knew nothing of motives—he had done his duty in stating to their Lordships what he believed to be facts; and he was quite sure that the only investigation that would be satisfactory to the country in a matter where it was considered there had been great dereliction of duty and abuse of power, was an investigation, conducted under the authority of Parliament. The Select Committee for which he asked would not interfere with the very important Committee now sitting upstairs, on the Irish Consolidated Annuities. Indeed, he would be sorry to enter into this inquiry without the assistance of noble Lords serving on that other Committee; but it was very desirable that the preliminary arrangements should be made so that, when the Committee did undertake its labours, the inquiry should be begun without less of time. The noble Earl concluded by moving for the appointment of a Select Committee to inquire into the Operation of the Acts relating to the Drainage of Lands in Ireland, as administered by the Board of Works.

The EARL of DERBY admitted that the subject was one of considerable importance and interest, the importance being no less than providing an entirely new system of arterial drainage for a large portion of Ireland. In many cases that system would involve the altering the course of rivers, and other changes, providing a sufficient outfall by which a large portion of that country should be provided with drainage—measures necessarily involving great operations, and consequently a very great expenditure. The powers vested in the Board of Works were of a very extensive character, and they necessarily must be for carrying out operations on such a large scale; and he was by no means prepared to say that a Board invested with such extensive powers ought not to be very diligently watched, not only by the proprietors of land, but also by the public, who more indirectly have an interest in the due discharge of these duties by such a body. He did not, therefore, intend to offer any opposition to the Motion of his noble

Friend (the Earl of Rosse) in his Motion for a Committee of Inquiry as to the practical working of the present system. At the same time he begged to disclaim any intention of prejudging the question, or of casting any blame whatever upon the Board of Works, for results which frequently were not under their control. He was afraid that all their Lordships had found by experience that whenever a great work was undertaken, whether of drainage, improvement, or building, it was completed at an expense considerably larger than was expected, or the science and skill of the most able architect or engineer could have foreseen. But in this case, when they looked at the large scale of the works in progress, they could easily understand that there must sometimes be a considerably larger outlay than was originally contemplated. In such cases he would not at all deny what the noble Earl (the Earl of Rosse) had said, that if the total charge was to be determined by the Commissioners, they ought to have the consent of the proprietors. But he could at the same time conceive many cases where the Commissioners would be justified in extending their operations, and incurring increased expense. He might here mention that the Board of Works was presided over by a gentleman whose name would give the best security that could be given for efficiency and ability—Mr. Griffiths; and he was sure the name of that gentleman would be recognised as that of one who had conferred important benefits on Ireland: and that he had succeeded in carrying out with great industry and success the various operations with which he had been connected, would be readily acknowledged by all who were acquainted with that country. It might be as his noble Friend (the Earl of Rosse) had said, that the staff, employed by the Board of Works was a very large and expensive staff; and if that were so, it was a fair subject for inquiry. But when his noble Friend complained that the Board of Works had not put up the works to contract, but had carried on its operations by their own agents, and their own staff, he must say he thought they had exercised a sound discretion in doing so, and that that was a better mode than trusting to contractors, for the sake of apparently greater economy, but which ultimately would be found to be attended with neither greater economy nor the same amount of success. At the same time this was a question which he (the Earl of Derby) did not at all like to prejudge—the Commissioners themselves were satisfied they had discharged the duty for which they were appointed, and they were very far from shrinking from any inquiry—even a hostile inquiry—still less from such an inquiry as his noble Friend proposed to institute, which would be not an inquiry of hostility, but one in a fair and liberal spirit. At the present moment the Commissioners were preparing a Report for Parliament, which would very shortly be laid before both Houses, and would embrace, he feared, a very voluminous correspondence; but it would place Parliament fairly in possession of all the facts, and he thought that until that Report was ready, the Committee would probably do better if they deferred any practical operations till that correspondence was laid before them. He could not offer any opposition to the Committee; and he was glad the noble Earl (the Earl of Rosse) had adverted to one point, namely, the services rendered by the noble Lords who were lately sitting on the Irish Consolidated Annuities Inquiry, which was in some degree cognate with the one his noble Friend proposed; and he thought his noble Friend would do well if, appointing his Committee in the first instance, he would endeavour to obtain the assistance of those noble Lords whose knowledge would be a most efficient aid to his inquiry. He thought his noble Friend was quite justified in bringing this question before Parliament, for it certainly was for the public interest that, where a large trust was confided, it should be exercised under the strict superintendence, not only of those more immediately placed over it, but also of the Parliament by which that trust had been confided.

Motion agreed to.

TRANSATLANTIC PACKET STATION.

EARL GRANVILLE rose to put a question to the noble Earl opposite (the Earl of Derby) of which he had given notice last week. It was a question of some importance, and one in which no party consideration was involved. It was, whether it is the intention of Her Majesty's Government to take any measures to remove the Transatlantic Station from Liverpool to any of the southern or western ports of Ireland? In giving notice of it the other day, he had mentioned that his attention had been drawn to a newspaper, which professed to give an account of a deputation which had waited on the Lord Lieutenant of Ireland to solicit the establishment of a packet station at Galway. The noble Earl (the

Earl of Eglinton) was there stated to have referred to the report of a Commission upon this question, of which he (Earl Granville) had been Chairman, and to have stated that his views and opinions were, that the whole of the traffic to the United States from this country should pass through Ireland; that, however, he did not pledge himself to anything, but that he would communicate with the Government on the subject. The Commission over which he (Earl Granville) presided had collected a very great mass of evidence, written and oral, which was laboriously considered by the Members of the Commission, and they came to the result—he must, indeed, say with some dissent—that it would not be consistent with their duty to recommend the removal of the Transatlantic Packet Station from Liverpool to one of the Irish ports. He would not trouble their Lordships with the grounds of that decision, which of course had given some dissatisfaction in different parts of Ireland, neither should he allude to any of the comments which had been passed upon that Commission. He thought it very natural that a person in the position of the noble Earl at the head of the Irish Government should feel greatly inclined to consider any question which was likely to be of importance to that country, and to which the geographical position of the island would lend a *primâ facie* support. But, on the other hand, he thought it very likely that the account which had appeared in the newspaper was not correctly given. He had himself observed that in cases of deputations the accounts which had appeared next day were not in all cases correct, and that the person who received a deputation often found himself, when he came to read the report of what had passed, like the lion in the fable, depicted by the sculptor. But as false alarms might be excited by any misapprehension on this matter, he thought the subject of sufficient importance to entitle him to ask the noble Earl opposite whether the opinions expressed by the Lord Lieutenant of Ireland on this matter were such as had been ascribed to him; and if so, whether the Government concurred in them, and whether they intended to take any steps for the removal of the Packet Station from Liverpool to any of the Irish ports?

The EARL of DERBY said, that as to what the noble Earl had stated in reference to the reports of deputations, he also might observe that such of their Lordships as had official experience well knew that they frequently received letters reminding them of some promise given with respect to an appointment, and on referring they found they had promised to put the applicant down on the list, at the same time telling him there were a great many before him, but that when it came to his turn his application should be considered. This was construed into a positive promise; and he could not help believing that there had been, not from any wish to misrepresent, but from an over-sanguine view of the case, some misrepresentation in the present instance. In consequence of the notice which had been given by the noble Earl of the question he had just put, the Lord Lieutenant of Ireland wrote to him (the Earl of Derby) stating that he saw, to his great surprise, that what he had said had been considerably misrepresented, and that so great had been the misrepresentation, that the Lord Mayor of Dublin had called on him next day to express his great regret. When he informed their Lordships of the answer which the Lord Lieutenant had really given to the deputation, he felt sure that their Lordships would agree that it was just such a statement as the Lord Lieutenant ought to have made on the occasion. What his Excellency really said, was, that he felt a deep interest in the welfare and prosperity of Ireland, and that he was personally anxious to see the whole trade, not of England only, but of all Europe, pass through Ireland to America, but that any good wishes that he might entertain not only could not obtain the establishment of a Transatlantic Station in Ireland, but could not even obtain the granting of the request of the deputation for the building of a pier in Galway Harbour. That was the only answer the Lord Lieutenant gave, with the exception of an assurance that he would transmit the representations of the deputation to the Government. In reference to the question put by the noble Earl, he (the Earl of Derby) had to reply, that Government had not seen reason to come to any decision adverse to the conclusion at which the Commission referred to by the noble Earl had arrived, and, consequently, the Government, as at present advised, had no intention of removing the Transatlantic Packet Station from Liverpool, and establishing it in any of the ports of Ireland. But, at the same time, he must observe, that the subject was open to inquiry, and there were many motives, more especially the submarine telegraph between England and Ireland, if it should be carried into effect, which might render it desirable that such a packet station as had been alluded to should be at some future time established, and that every encouragement should be given to the improvement of those splendid harbours in which the west coast of Ireland more especially abounded. Nevertheless, he would not, on the part of the Government, desire to hold out any expectation, at all events for the present, that the Transatlantic Packet Station would be established on the west coast of Ireland, or that any preference was intended to be shown in favour of one port over another, more especially as between the two ports which had been prominently put forward, Limerick and Galway.

The MARQUESS of CLANRICARDE said, the report of the Royal Commission, over which the noble Earl (Earl Granville) presided, stated distinctly that, as far as rapid communication was concerned, very considerable advantages would be gained by the establishment of a transatlantic packet station on the west coast of Ireland. If that were done, no doubt a totally different system of navigation and communication must be established. The report also recommended the adoption of Holyhead as a port at which the transatlantic mails ought to be embarked and disembarked; and he (the Marquess of Clanricarde) had no doubt very considerable advantage would be gained by that. The officers of the Post Office—particularly Mr. Rowland Hill—had considered that point minutely, and it was their opinion, an opinion in which he joined, that that part of the report should be followed up. In Ireland, when a public men fulfilled his duty very strictly, he was apt to be called very unpatriotic. He had thought it his duty, when he was Postmaster General, to recommend that the transatlantic mails should be embarked and disembarked at Holyhead; but he was free to say that the adoption of that course would lead ultimately to the adoption of a port in Ireland as the port for the embarking and disembarking of the mails for the United States, because of the total alteration in the system of navigation which would ensue; and he thought that project ought not to be lightly lost sight of.

LORD MONTEAGLE did not approach this subject with the slightest intention of casting discredit on the industry and ability displayed by the Commission over which his noble Friend (Earl Granville) had presided. Nothing could be more creditable than the mode in which that inquiry had been conducted, although for one purpose it still remained incomplete. He was personally interested in this matter, and might therefore be supposed to be not quite an unbiassed witness; but he thought it impossible to overrate the importance of providing means of rapid communication between Ireland and the United States of America, and also with our North American Colonies. Yet he did not anticipate from any Irish transatlantic port some of the advantages which his more sanguine countrymen expected. He believed that the manufactured goods of Lancashire and Yorkshire would always find their way directly to America, from the trading port of Liverpool; and that, therefore, English commercial interests were needlessly alarmed at the proposal to establish a packet station on the west coast of Ireland, as likely to affect their commercial interests injuriously. On the contrary, it would promote them. The question seemed to him to resolve itself almost exclusively into one of improved postal communication; though he did not mean to say that the question of passengers might not, to a certain extent, enter into it. The report of the Commission appeared to him greatly to underrate the importance of a windward port communicating with America. What was the evidence of Mr. Penn, the eminent engineer of Greenwich, upon this subject? He stated that, if a vessel were exclusively built for Post Office and passenger purposes, he would pledge his reputation that he should be able to place at a windward port a vessel that would make the voyage from that port to Halifax in five days and three-quarters on an average. The only motive which could justify any interference in shipping was either national defence or the postal question. With a view to the acceleration of postal communication, England, so far from viewing the subject with any jealousy, ought only to see the establishment of a principle by which England, in common with Ireland, would share the advantage. Nor was this all. A more certain line of communication across the Atlantic would benefit not only the British empire, but the whole of northern Europe, for he believed that if an improved line of postal communication were established with America through Ireland, the whole correspondence, not only of this country, but of the entire north of Europe, would pass through that line. The Commissioners, in their report, had expressed themselves opposed to the selection of an Irish port; but of the different Irish ports to which their inquiries had been directed, they had given a preference to the port of Galway and a port on the Shannon. They have not procured any opinion with respect to the relative merits of these two ports. It was a matter of great importance to complete the inquiry, in order to ascertain what remained to be done in both these ports, otherwise there would be a continual struggle between one port and the other. Neither of them were as yet fully complete for the purpose contemplated. A decision was required, or otherwise capital might be misapplied, either in marine works at Galway, or local communications on the Shannon. It was important that an impartial and authoritative opinion on the subject should be procured. He believed that many memorials from Ireland had been presented to the Treasury on this subject; as he believed there was no objection to their production, he moved that they be laid upon the table.

Earl GRANVILLE said, he believed there could be no objection to the production of the memorials to which his noble Friend had referred. He (Earl Granville) might, after they should have been laid before Parliament, take some future opportunity of bringing the subject still further under their Lordships' consideration.

Lord CAMPBELL said, their Lordships would perhaps be surprised that he should rise to take part in a debate of this kind; but as he had lately had the honour thrust upon him of becoming an Irish proprietor, and as he had been requested, if an opportunity presented itself, to put in a good word on this subject, and particularly in favour of the port of Galway, he wished to make one or two observations. He was much afraid that nothing could be expected to be done in this matter in favour of Ireland or of Galway; but as the noble Earl (the Earl of Derby) had told them that the completion of the submarine telegraph might alter the state of affairs, and as they had seen sudden revolutions on other subjects of late years, it might be that they would experience a sudden revolution in this matter also. He had been informed that the submarine telegraph would be almost immediately put in operation, and then communications would take place between London and Dublin in the course of a few seconds. When that was once done, he hoped they would see the very desirable object carried out of a packet station at Galway. With reference to the condition of property in that part of the country, he might mention that he knew an estate which used to produce 3,000*l.* a year, that for the last five years had not yielded enough to pay the rates.

Motion for Copies of all Memorials addressed to the Treasury respecting the establishment of a Harbour in Ireland for Transatlantic Communication, since the presentation of the Report of the Royal Commission on the subject, *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 3, 1852.

Minutes.] New Writ. — For Harwich, *v.* Sir Fitzroy Kelly, Manor of Hempholme.

New Member Sworn.—For Tavistock, Samuel Carter, Esq., for Suffolk (Eastern Division), *v.* Sir Fitzroy Kelly.

Public Bill.—2° Registration of Births, Deaths, and Marriages.

NEW ZEALAND GOVERNMENT.

Sir JOHN PAKINGTON rose, in pursuance of notice, to move for leave to bring in a Bill to grant a Representative Constitution to the Colony of New Zealand. He begged, in the first place, to move that the passage from Her Majesty's most gracious Speech from the Throne relating to the Government of New Zealand be read.

Paragraph in Queen's Speech, at the opening of the Session, read, as follows:—

> "The Act of 1848 for suspending the operation of a previous Act conferring representative institutions on New Zealand will expire early in the next year. I am happy to believe that there is no necessity for its renewal, and that no obstacle any longer exists to the enjoyment of Representative Institutions by New Zealand. The form of these Institutions will, however, require your consideration; and the additional information which has been obtained since the passing of the Acts in question, will, I trust, enable you to arrive at a decision beneficial to that important Colony."

Sir JOHN PAKINGTON said, he could assure the House that in bringing forward this measure, he did so under the impression of very great personal anxiety, and if he should fail in making his explanation of the subject as clear as he could wish, he hoped he should receive the indulgence of the House. He was so sensible of the importance, the difficulty, and the great responsibility of moving the grant of a new constitution for a Colony so peculiar in many respects as that of New Zealand, that he confessed he should have felt, had it not been for circumstances which he hoped the House would consider as a sufficient justification for the Motion he was now making, that after having held for so short a time the arduous office which he now filled, he might have been considered open to the charge of presumption for so soon endeavouring to settle a Colonial question of this difficulty and intricacy. He had to avow that when he first came into office, and gave his attention to the state of the question of the better government of New Zealand, his inclination and intention were to move for a further continuation for one year of the state of government which now existed in that colony. But when this intention on his part became known to many persons in this country who were deeply interested in the welfare of New Zealand, and were anxious that the blessings of the British Constitution should as speedily as possible be extended to that country, he received from those parties the strongest possible representations of the inconvenience and injury that had arisen from the delay which had already taken place, and that Her Majesty's Government had held out hopes of settling this question in the present Session; that Her Majesty, in Her gracious Speech, had recommended that no further time should be lost; that it would be hard upon them to be deprived of their civil rights in consequence of the accident of a change of Ministry; an argument which, if it availed now, it was quite possible might be urged in a subsequent Session. Such was the nature of the representations he received upon this subject, and they possessed so much force and weight, that he felt he was bound not to spare any labour or exertion on his own part to meet wishes so reasonable in themselves, and so justified by circumstances, and, with the concurrence of his Colleagues, he determined at any rate to endeavour to submit to Parliament a measure on this subject which might deserve their approbation. He must also frankly own, that, with every wish to meet the desires of those interested, he believed it would have been impossible for him, multitudinous and arduous as his occupations were, to have attempted, in the short time he had filled the office he had the honour to hold, the settlement of this question, had it not been for the assistance he had derived from the preparation of a measure which was left in the office by his predecessor, Earl Grey, and also for most valuable suggestions which he had received from the present able Governor of New Zealand, who had been for a long time in communication with the noble Earl on this subject. He had also had the advantage of receiving numerous suggestions from the gentlemen to whom he adverted, in this country, who took a deep interest in the welfare of that Colony. He would not detain the House by going at any length into the early history of New Zealand. It must be well known to all who took an interest in that Colony that it was one of the most recently acquired dependencies of the British Crown. The first advances of civilisation on its territory were made about the year 1808, when those pioneers of the progress of Christianity and civilisation, the missionaries of the Christian religion, founded a settlement on its shores. This was followed by frequent visits from enterprising merchants and others connected with trade, whose intercourse with the natives by degrees led to irregularities, and even crimes, which it became necessary for the Government at home to put a stop to. And in order to show how recently this dependency of the British Crown had been acquired, he might mention, that in 1832 a Bill was introduced into Parliament "for the prevention of crime committed by Her Majesty's subjects in New Zealand and other islands in the Pacific, not being within Her Majesty's dominions." Subsequently, however, to 1832 the intercourse between occasional visitors and the natives of New Zealand became more and more frequent, until Captain Hobson was sent out as Consul to that country, with directions to assume the government of that country as soon as a cession of the sovereignty could be obtained from the natives. In 1840 the first steps for annexing the island of New Zealand as a dependency to the British Crown, were taken under the authority of the noble Lord the Member for the City of London (Lord John Russell), who then held the seals of the Colonial Department. The progress of the Colony since it thus—only twelve years since—became a dependency of the British Crown, although considerable, had been retarded by various circumstances, and among others by the rebellion of a portion of the natives in 1845. But in the year 1846, the rebellion being then put down, Earl Grey, who had then lately succeeded to the Colonial Office, resolved to grant a Representative Constitution to the Colony, a resolution for which he did not propose to cast any blame upon the noble Lord. But when the Constitution which was determined upon by the noble Lord was sent out to the Colony, the Governor (Sir George Grey) felt great apprehensions that it would not suit the then existing state of the population, and more especially of the native population. The rebellion of the natives had only been put down in the preceding year; and this new Constitution did not confer upon them those civil rights which the Governor (Sir George Grey) thought were essential. He therefore returned that constitution to England, with a very urgent representation against putting it immediately into force. In that despatch there occurred the following interesting passage with respect to the state of the natives:—

> "Then it must be borne in mind that the great majority of the native population can read and write their own language fluently; that they are a people quite equal in natural sense and ability to the mass of the European population; that they are jealous and suspicious; that they now own many vessels, horses, and cattle; that they have in some instances considerable sums of money at their disposal, and are altogether possessed of a great amount of wealth and property in the country, of the value of which they are fully aware; that there is no nation in the world more sensitive upon the subject of money matters, or the disposal of their property; and no people that I am acquainted with less likely to sit down quietly under what they regard as injustice."

This description showed that the natives of these islands were possessed of great natural intelligence, and that they had, even at that comparatively early period, made a considerable advance in the arts of civilisation. And this was urged by Sir George Grey as a reason why no Constitution could be satisfactory which did not take care of the rights of the natives. He continued, in the same despatch:—

> "The natives are, at present, certainly not fitted to take a share in a representative form of government; but each year they will become more fitted to do so, and each year the numerical difference between the two races will become less striking; so that a great advantage would be gained by delaying even for a few years the introduction of the proposed Constitution into the northern parts of New Zealand."

On the receipt of this despatch, a measure in compliance with this strong recommendation of the Governor was in 1848 introduced by the noble Lord (Earl Grey) then at the head of the Colonial Department, to suspend "the New Zealand Act of 1846," for five years, until March, 1853. This was the Act which imposed on Parliament the necessity of doing something in the present Session, and the House would of necessity perceive that, if they did not, the Act of 1846 would of itself come into operation. He wished, therefore, to ask the House whether they were not of opinion that the time was now come when they might adopt, or at least attempt, a final Constitution for this interesting Colony? The question for the House to determine was, what that legislation should be. From the year 1848 to the present time, the progress of New Zealand in all those respects which could bear upon the important question of granting to her or withholding from her representative institutions, had been of the most satisfactory kind. In 1848 the European population, which had made rapid progress since 1844, did not exceed 17,000 in number. They now, he believed he might safely say, reached 26,000 or 27,000. In 1848, the value of the exports from New Zealand was 44,215*l.*; in 1850 it reached 115,451*l.* And while this increase had taken place in the population and in the value of the exports, the revenue had been increased from 48,589*l.* in 1849, to 57,743*l.* in 1850. He would now quote a passage from the despatch of the Governor (Sir George Grey), dated October 11, 1851, and in which he gave the most satisfactory account of the general progress of the colony. He said—

> "From an analysis of the returns connected with the revenue and expenditure of both provinces, it would be found that the ordinary revenues of the islands for 1850 had, in comparison with the year 1849, increased by no less a sum than 9,154*l.* 11*s.* 9*d.*, these revenues having risen from 48,589*l.* 5*s.* 1*d.* in 1849, to 57,743*l.* 16*s.* 10*d.* in 1850, the increase being chiefly made up of an increase of about 4,000*l.* in the revenues derived from duties of Customs, and an increase of about 5,000*l.* in the revenues derived from the sale of land; and this augmentation of the revenues took place notwithstanding a large decrease in the expenditure of the local Government and of Great Britain on account of military services—the decrease of expenditure by the local Government, as compared with the previous year, amounting to no less a sum than 16,662*l.* 2*s.* 9*d.* It would be found that, in the year 1850, the value of the exports from these islands had risen to the sum of 115,425*l.* 11*s.* 7*d.*; and it was fortunately, in his power to report that the general improvement which had taken place in these islands in 1850 had continued to take place with increased rapidity during the year 1851, and that there appeared every reason to believe that the prosperity of New Zealand was now established on a firm basis, and it would continue to increase certainly and steadily."

He hoped that these facts would be sufficient to convince the House that, so far as regarded the progress of the Colony in all the important points of general prosperity, population, and material welfare, there was every reason why it should be entrusted with that privilege of self-government which Earl Grey was anxious to give them so early as 1846, and which was only withheld under the special circumstances to which he had referred. He would now quote to the House another extract from the despatch of Sir George Grey dated in October last, which accompanied the provincial ordinances, and which was now in the course of being printed for Parliament:—

> "The whole of these islands are now in a state of complete tranquillity. Every settlement is in a prosperous condition; the native race are loyal, and are daily increasing in wealth; and the local government now possesses very considerable influence over them."

Under these circumstances the House would, he thought, feel that Her Majesty's Government were justified in proposing now to confer representative institutions on the Colony. There were, however, many peculiarities in the case of New Zealand which rendered it very difficult to decide as to the best mode of enacting a new Constitution for that island. We had not, with respect to it, as to the Cape of Good Hope and various other Colonies, merely to decide whether or not the progress and prosperity of the Colony were such as to justify the Legislature of this country in putting an end to the government of what was called a Crown Colony, and substituting representative institutions in its stead. The case of New Zealand did not admit of their proceeding with such simplicity. There were three respects in which the Colony of New Zealand was different from almost any other dependency of the Crown. The first was the geographical peculiarity; the second was the mode of settlement which had been adopted; and the third, and this was perhaps the greatest peculiarity of all, was the very high order of the natural qualities and intelligence of the natives of those islands. The geographical peculiarities both of the northern as well as the southern islands consisted in their centres being occupied by a very lofty mountain-ridge which sent down on both sides spurs to the sea. The centre of these mountains was unfit for the purpose of cultivation or habitation, and it was only on the plains that intervened between the spurs that colonisation and cultivation had consequently taken place. The result of this was, that there was no Colony in which the means of communication by land between the different parts was so difficult; and at this moment he believed it was impossible to communicate between any of the settlements of New Zealand except on foot. The result of this was, that the settlers in New Zealand had not, as elsewhere, congregated around one particular centre. They had taken up their residence in different portions of the islands, and their settlements were now spread over a length of country in the two islands of, he believed, not less than 800 or 900 miles, embracing three settlements in the northern and three in the southern island, all at a considerable distance from each other. The third and most certainly the most interesting peculiarity was, the high character of the native population. In the despatch of Sir George Grey, to which he had already referred, and which was dated in August last, and received in this country in October, the Governor entered into particulars with respect to the character of the natives of New Zealand, and their advance in civilisation, which would, he was sure when presented to the House, be read by hon. Members with the greatest possible pleasure. In the first portion of this despatch, Sir George Grey dwelt upon their extraordinary skill and bravery in war. He said that they were well armed, that they were capable of acting with the greatest discipline, and of adopting the most skilful tactics; and that in fact there could be no doubt that they, for warfare in that country, were better equipped than our own troops. He stated that they might at any moment attack our settlements with the greatest ease, and that we, on the other hand, had scarcely the power of attacking them, from the manner in which they shifted their dwellings from one place to another. And he then, having thus dwelt upon their skill in the arts of war, went on to give the following account of their proficiency in those of peace, which he (Sir J. Pakington) would cite as showing their extraordinary advance in civilisation and national prosperity since 1847:—

> "With these characteristics of courage and warlike vagrancy, the Maories present, however, other remarkable traits of character. Nearly the whole nation has now been converted to Christianity. They are fond of agriculture, take great pleasure in cattle and horses; like the sea, and form good sailors; have now many coasting vessels of their own, manned with Maori crews; are attached to Europeans, and admire their customs and manners; are extremely ambitious of rising in civilisation and becoming skilled in European arts; they are apt at learning; in many respects extremely conscientious and observant of their

word; are ambitious of honours, and are probably the most covetous race in the world. They are also agreeable in manners, and attachments of a lasting character readily and frequently spring up between them and Europeans. Many of them have also now, from the value of their property, a large stake in the welfare of the country; one chief has, besides valuable property of various kinds, upwards of 500*l.* invested in Government securities; several others have also sums of from 200*l.* to 400*l.* invested in the same securities."

He goes on to say afterwards:—

"It would appear that a race such as has been described could be easily incorporated into any British settlement, with mutual advantage to both races, the natives supplying agricultural produce, poultry, pigs, and a constant supply of labour (although yet for the most part rude and unskilled); while, upon the other hand, the Europeans would supply the various manufactured goods required by the natives, and provide for the manifold wants created by their increased civilisation. Such a class of settlements might easily grow into prosperous communities, into which the natives, with characters softened by Christianity, civilisation, and a taste for previously unknown luxuries, would readily be absorbed. This process of the incorporation of the native population into the Europeans' settlements has, accordingly, for the last few years, been taking place with a rapidity unexampled in history. Unless some sudden and unforeseen cause of interruption should occur, it will still proceed, and a very few years of continued peace and prosperity would suffice for the entire fusion of the two races into one nation."

Now he thought the House would agree with him that native tribes who could thus be described by the person who should be the most competent judge of their capabilities, were entitled to every consideration at the hands of that Sovereign whose subjects they had become in the course of events, and by the progress of Christianity and civilisation. He thought the House would feel with him that in legislating for such a people it should be our endeavour not to give them any opportunity to show their courage or prowess in war; but that we should endeavour to teach them the blessings of peace and the arts of civilisation, and to show them an example of that Christianity which they had so rapidly and so readily embraced; and that our legislation should be so shaped as to draw as little distinction as possible between the European and native inhabitants of the Colony. But, as he had said before, the peculiarities of New Zealand to which he had adverted rendered it impossible that they should proceed to give a Constitution to that Colony upon the same plan as that on which they had proceeded to give Constitutions to Colonies differently situated. It was the opinion of Earl Grey, to some extent in 1848, but in his later plans still more, and it was also the opinion of Sir George Grey, the Governor of New Zealand, that in adopting a Constitution for a Colony so situated it was absolutely necessary that they should provide not only for a general central legislature, but also for the government of those smaller communities which are placed at detached intervals along the shores of these islands. In arranging the local governments for these detached communities, a question arose upon which he was aware that a great difference of opinion had taken place. He believed that there was no difference whatever amongst any who had given attention to the mode in which free institutions could be granted to New Zealand, that in some way or other the right of separate government should be given to those detached localities; but while some thought they should be dealt with as independent Colonies, forming a federal Colony with one general legislature governing the whole, after the model of the United States of America, or of the plan which was proposed by Earl Grey, but afterwards abandoned, in the Bill which he brought in for the government of the Australian colonies; others, on the contrary, thought that these detached communities should be regarded as portions of one Colony, having each a local legislature or government, not exactly in the nature of a municipality, but still approaching that character, with one central government, exercising a general superintendence over all. Her Majesty's Government, after the best consideration they could give to the subject, were of opinion that, looking to the small population of these several detached communities—to the hope they entertained that as population increased these communities would gradually spread along the coast and become more connected with each other—to the general extent of the whole of these islands, and the hope they had that as civilisation advanced and population increased the means of communication both by sea and land would be materially improved—looking, he repeated, to all these considerations, Her Majesty's Government were of opinion that the better plan would be to consider the whole as one Colony, than to deal with these small detached settlements as independent communities. It was to carry out this plan, regarding these detached communities not as separate bodies, and therefore looking to the necessity of carefully framing both the local legislatures of these separate communities and the general legislature, which was to govern the whole, that the Government had framed the measure which he would now proceed to explain to the House. He would first state to them the manner in which it was proposed that the local legislatures should be framed. According to the plan of Earl Grey, which he had found in the Colonial Office, it was the intention of the noble Lord, and he believed he was right in saying that the plan was approved by Sir George Grey, the Governor of New Zealand, to divide the island into five provinces—Auckland, Wellington, Nelson, Canterbury, and Otago, giving the Governor power to settle their boundaries. He could not, however, see any reason why the settlement of New Plymouth, about the middle of the North Island, had not as good a claim to be made into a separate province, as Canterbury or Otago. In point of distance it was about 200 miles from Auckland, on the one hand, and from Wellington on the other; it was inhabited by a highly respectable class of emigrants, and in point of population was little, if at all, inferior to Otago in the other island, and he believed not to Canterbury. And Her Majesty's Government had, therefore, thought it better to commence this experiment by dividing the island into six provinces, adding New Plymouth to those which he had previously mentioned. They proposed, and this was in accordance also with the plan of Earl Grey, that each of these provinces should be governed by an officer to be called a superintendent. The Governor had recommended that this officer should be elected. Her Majesty's Government proposed, however, and this too coincided with the plan of Earl Grey, that the superintendent should be appointed by the Governor-in-Chief of the Colony. It was uged by Earl Grey, with very great force, that as the superintendent must be regarded as, in some degree, taking the place of the head of the Executive department, it was wholly without precedent that a person carrying out any portion of the Executive under our Constitution should be elective. He thought it far better that the superintendent should be appointed by the Governor-in-Chief, than be sent out by the Colonial Office, because it was desirable that these officers should be persons residing in the various provinces which they would have to govern, and that their appointment should not be made the subject of party arrangements in this country. He thought it far better that the Governor-in-Chief should, on his own responsibility, select the persons in the Colony whom he thought best qualified to fill the office. They proposed that each of these superintendents should have a salary of 500*l.* a year. The hon. Baronet opposite (Sir W. Molesworth) had intimated that that sum was too high; but the hon. Baronet should recollect that at this very time the lieutenant-governors of New Ulster and New Munster had 800*l.* a year each. Besides these superintendents, it was proposed that in each of the provinces there should be a Legislative Council. It had been a question of considerable doubt whether the provincial councils should consist of one or two chambers. It appeared, however, to the Government that, looking to the small population which those settlements now contained, there was no ground to think that the elements existed out of which two chambers could be properly and respectably constituted. There was another question of some difficulty—as to whether the chamber should be wholly elective, or should be constituted in part of nominee members. The plan which Her Majesty's Government recommended was different from that in favour of which Earl Grey had decided. Earl Grey decided that one-third of the members should be nominees, and the Governor of New Zealand had recommended the adoption of the same course. He (Sir J. Pakington) was aware that he was taking upon himself some responsibility in departing from the recommendation both of Earl Grey and the Governor of the Colony; but looking to the character of the communities; looking to the limited nature of the duties which the members of council would have to discharge; above all, looking to the jealousy of nominee members of that kind which they knew to exist in New Zealand, to such an extent, indeed, as to render it difficult in such small communities to find gentlemen who would undertake to act upon those terms—looking to all these points, Her Majesty's Government thought it better to recommend that the proposed Legislative Councils of a single chamber should be wholly elective. Another important question remained, with regard to the amount of franchise which should confer the right of voting for the members of the provincial councils. And here he begged to say, that feeling the impossibility of judging of the matter at this distance from the Colony, feeling that their want of local information was such as to disable them from saying whether one franchise was more proper than another for a Colony so situated, the Government had thought it better altogether to place confidence in the recommendation of Sir George Grey, and to adopt the franchise which he had determined upon, namely, that the franchise should be given to every man possessing a freehold worth 50*l.*, or in the occupation of a house in a town worth 10*l.* a year, or a house in the country worth 5*l.* a year—six months previous occupation being required—or in possession of a leasehold which had three years to run, and was worth 10*l.* per annum. For the reason he had mentioned, he would not presume to give an opinion upon this franchise. He would only say that it was the franchise recommended by the Governor, and that he had recommended it as being of a liberal and comprehensive nature. He begged to say also, that in consequence of the great advance of the natives in civilisation, the Government proposed to draw no distinction between the natives and Europeans with regard to the franchise; but that whenever a native should be residing within the limits of any of the provinces, and should be possessed of the requisite qualification, he should be regarded as a British subject, and should be as free to exercise the franchise as any of his European neighbours. There was another question on which he had ventured to differ from Earl Grey, and that was with respect to paying the members of the provincial councils. Earl Grey had recommended that Members residing at a distance of ten miles from the place where the Council sat, should receive 50*l.* on the first day of the Session for expenses. To say, however, that a gentleman residing at a distance of nine miles and a half was to discharge his duty gratuitously, while others, at a distance of ten miles, should receive 50*l.*, appeared to be an inconsistency which he should be sorry to introduce into this Bill; and he thought that when they were entrusting a community with the right of self-government, this was one of those things that had better be left to be settled by themselves in the manner which they might deem most conducive to their own interests. He now came to a very important point, namely, those subjects with regard to which the Provincial Councils were to be restricted from legislating. They were fourteen in number:—1st, they were not to legislate for the imposition or regulation of Customs' duties; 2nd, for the establishment of any Courts of civil or criminal jurisdiction, except for the purpose of trying offences now punishable by the law of New Zealand; 3rd, for determining the extent of jurisdiction or course of proceeding of the Supreme Court; 4th, for regulating the current coin of the said island; 5th, for determining the weights and measures of the said island; 6th, for regulating the post office and carriage of letters; 7th, for enacting laws relating to bankrupts and insolvents; 8th, for the erection and maintenance of beacons and lighthouses; 9th, for the imposition of any duty on shipping; 10th, for regulating marriages; 11th, for interfering with the Crown lands, or any to which the title of the aboriginal natives had never been extinguished; 12th, for inflicting any disabilities or restrictions on natives to which Europeans were not subjected; 13th, for altering in any way the criminal law in New Zealand; and, 14th, for regulating the course of inheritance of real or personal property. There was here a very important difference between the plan which Her Majesty's Government now ventured to recommend, and the plan recommended by Earl Grey. They proposed that the provincial legislatures should not have the power of dealing with the Crown lands, because they apprehended, if they had that power, one principle might be adopted by one body, and another principle by another; and great inconvenience might be found to arise from their dissimilarity of opinion. The Government thought it was the better way to reserve a question of this great importance to be dealt with by a higher and separate authority. Her Majesty's Government differed also from Earl Grey with respect to the mode in which the Acts passed by the provincial Legislatures were to receive final assent. By Earl Grey's plan, Acts passed by them were to receive the Royal Assent, as was the case with all other Colonial Legislatures. But, looking to the restrictions which he had just enumerated, and to the limited powers of these provincial Legislatures, it seemed better to the Government that those matters should at once be settled without delay, by delegating the power of giving Her Majesty's final assent to the Governor. At the same time the Governor would have power in any special case to refer home for the Royal Assent. He would now describe the manner in which he proposed to constitute the Central Legislature. It was to consist of the Governor-in-Chief at its head, with a Legislative Council and a freely-chosen Assembly. The first difficulty was as to the constitution of the Legislative Council, and this was perhaps the most important point in which Her Majesty's Government had ventured to differ from the decision of Earl Grey. The noble Earl had intended that the upper chamber of the Central Legislature should be an elected body; that each of the provincial Legislatures was to elect three persons, who were to constitute the Legislative Council of the Central Legislature. There was not, however, in Her Majesty's dominions any precedent for an elective upper chamber. Even in Canada, where the power of self-government and the freedom of British institutions had been carried further than in any other of the dependencies of the Crown, there had never existed any desire for an elective upper chamber. He believed he was correct in saying that it had been intimated to that province whether or not they would regard an elective upper chamber as a desirable part of their Constitution, and there had been no indication of any such wish on the part of the Colony. There was one instance, but that he could not regard as a precedent, because the question was yet under consideration; he meant the Constitution now under consideration for the Cape of Good Hope. In the proposed Constitution for the Cape of Good Hope, it was decided that there should be an elective upper chamber; and the peculiarity of the plan was this—that the franchise of an elector for the upper chamber was to be the same as the franchise of electors for the lower chamber; but the difference was this—that the members of the lower chamber were to be elected by the electors of certain electoral districts, while the members of the upper chamber were to be elected by the votes of the whole, with certain modifications. There was no precedent for any such mode of constituting an upper chamber within the Queen's dominions; and the Government had received communications from the Cape of Good Hope since they came into office, which led them to believe that very considerable objections were entertained in the colony to this mode of constituting the upper chamber, and was viewed by the colonists with great apprehension; and in providing an upper chamber for New Zealand, the Government had no inclination to follow the precedent, so far as it was a precedent, that was proposed for the Cape. On a question of this magnitude and difficulty, there must be a great difference of opinion; but he must confess, speaking on the part of the Government, that they thought it better to follow the precedent that exists in the other colonies of the British Crown, where British institutions were enjoyed, and that the Upper Chamber should be there, as elsewhere, nominated by the Crown, but to hold their seats for life. They proposed the franchise for election of the Lower Chamber to be exactly the same as for the electors of the provincial Legislatures, and it would remain for the Governor to arrange the electoral districts. They proposed that each Parliament of the Central Legislature should last for five years; and in speaking of the provincial Legislatures, he should have stated that two years had been recommended for their duration, but the Government agreed with Earl Grey, who thought the period too short, and they proposed that the provincial Legislatures should be elected for four years, and that, as he had already stated, the Central Legislature should be elected for five years. It was proposed that the legislative council should in no case consist of less than nine members, leaving it to be considered to what extent it might be increased; that the upper chamber should not consist of less than ten, or more than fifteen; and that the elected chamber might rise from a minimum of twenty-five members, and not exceed forty. It was proposed that the acts of the Central Legislature should override the acts of the provincial, and that the acts of the provincial Legislatures should not be independent where the act of the Central Legislature would override them. They proposed that there should be a civil list reserved—and this was another point on which they differed from Earl Grey. At present the civil list was 12,000*l.* a year, and the Government proposed that that civil list should be retained. They did not propose to increase it, yet, by diminishing the present number of Judges, which appeared to be more than was necessary, they would be able to provide for the proposed salaries of superintendents of provinces without any increase of the civil list. There was another very important reservation which the Government intended to propose, sanctioned by the advice of the Governor; out of the funds of the colony, and which had not hitherto existed, they meant to propose that a sum of 7,000*l.* sterling per annum should be reserved for what were called "native purposes." As he had previously stated, where natives were within the limits of a province, they would have the right to vote, and to exercise the same franchise and privileges as Europeans; but still there would remain a vast number of intelligent natives, contributing largely to the revenue of the country by the consumption of imported goods, who would not have a voice, at all events for the present, in the election of representatives. Therefore they proposed that 7,000*l.* a year should be reserved for the benefit of the native tribes, and that this 7,000*l.* a year should be appropriated for the construction and maintenance of hospitals—for the establishment and maintenance of schools—for the payment of the resident magistrates—for presents for the native chiefs, in acknowledgment of their services, and for other objects that would promote the happiness and prosperity of the natives. He entertained also a sanguine hope that the liberality of the colony itself would increase that grant to a larger amount. There was another power which they proposed to reserve in the Central Legislature, and that was the management of the Crown lands. This was a deviation from the practice in Australia and other countries. They proposed it in the belief that that body would be better able to deal with those matters than any other body they could possibly entrust with this great power. He need not remind the House of the conflicting nature of the arrangements with regard to land in New Zealand. The claims of the New Zealand Company and the Otago Association, and the very peculiar powers which, under the authority of an Act of Parliament, had been granted to the Canterbury Association, rendered this a very difficult subject. That was not the moment to enter upon the subject. But he should observe that in the Bill which he asked leave to bring in, it was their intention to respect existing rights, and not to empower the Central Legislature in any case to override existing rights. There was only one other subject, with regard to the power of the Central Legislature, to which he would refer, and he felt it to be of the greatest importance. After the explanation he had endeavoured to give them, they must feel that in many essential respects they must regard this Constitution as experimental. They must look forward with hope and expectation to the gradual increase of the colonists and of the population, and to its rapid advance in prosperity. They could not hope that in shadowing out a scheme of this kind, though sanctioned by the best authority, that it was to be looked to as a final and permanent settlement of this difficult question, in what manner the residents in a distant colony on the other side of the globe could best govern themselves and manage their own affairs. They could only look upon this as the commencement of a system, and they had introduced a clause into the Bill fully enabling the Legislature of New Zealand from time to time to propose and enact such changes in the institutions of the Colony as they might think proper. With regard to the provincial legislatures, for instance, if the population increased, and their circumstances changed, and if they wished to enact that they should have two chambers instead of one, let them so enact it. So with regard to the constitution of the Central Legislature, and all the arrangements that he had described. They proposed that they should have full power to change them, to meet their own views and requirements, only stipulating that where constitutional changes of this nature were made, as a matter of course all such changes should be reserved for the ultimate consent of the Crown. Having moved for leave to bring in this Bill, he should have redeemed the pledge which he had given to those individuals who suggested to him that no further delay should take place; and it would remain for the House to decide whether, after the explanations he had given, they thought the Bill he now asked leave to introduce, came fairly and reasonably within that category of necessary measures to which Her Majesty's Ministers were at present pledged to confine themselves. He submitted this question fairly and frankly to the consideration of the House. In his humble opinion this Bill did come within that category; but if it were the judgment of the House that it did not, he would readily bow to that decision. But on one point he must beg not to be misunderstood. He must beg that all who take an interest in the colony of New Zealand would bear in mind that the alternative would be between passing this measure, with such amendments, of course, as Parliament should think right, or to pass an Act suspending for another year the existing state of affairs. He had been strongly pressed by gentlemen connected with New Zealand, in the event of their not being able to legislate this present year, to let the Act of 1846 revive next year, rather than not give them any Constitution at all. To this Her Majesty's Government were not willing to consent, because they thought there were the most serious objections to allowing that Bill to revive. And he was the more justified in expressing that opinion on the part of the Government, when he said that he was fortified in that determination by the opinions of the Governor of New Zealand, Sir George Grey, and by the authority of Earl Grey, who introduced the measure of 1846. In a despatch written by Earl Grey shortly before he left office, he used these expressions:—

> "Her Majesty's Government, however, on a consideration of the various despatches you have addressed to me, have come to the conclusion that it would be inexpedient to allow the Act of 1846 to come again into force, because we are of opinion, from the changes that have taken place in the state of affairs in New Zealand, and from the additional information that we have obtained, that it will require various modifications both in substance and form, although the essential principles must be kept in view."

He hoped the House would understand that if it were not the pleasure of Parliament to pass this Bill with such modifications as the House thought right, the alternative must be to pass a Suspension Act, and to reserve the whole of the subject for consideration next year. They did not intend by this Act to interfere in any way with the municipal institutions which were recommended by Earl Grey, and which were part of the Act of 1846: these were not included in the Suspension Act, and on which he was glad to say that the Governor had already proceeded to act. It was the desire of Her Majesty's Government to do their duty, and to endeavour not to withhold any longer from the inhabitants of New Zealand those institutions and rights for which they were naturally so anxious. He was sanguine enough to hope that the measure he had sketched out would not meet with any serious opposition; and it only remained for him to express his hope that it might be productive of those advantages to the present colonists of New Zealand and their descendants which had been so long enjoyed and so highly valued in this their fatherland.

Sir ROBERT H. INGLIS said, he could assure the right hon. Gentleman that his apprehension that he had failed to make his statement clear, was unfounded. He appealed to his right hon. Friend, however, to deny the proposition which he (Sir R. H. Inglis) had repeatedly urged in this House, namely, that every Colony of England ought to be a miniature England; and that inasmuch as every colonist in New Zealand carried with him the right of Trial by Jury, the right of the Law of Primogeniture, and almost every other social and civil right which he had enjoyed at home, he ought also to carry with him the principle of religious institutions? He did not consider that any Constitution was complete or worth the acceptance of Englishmen, that did not, in the first instance, provide for the existence of religious institutions. If it were said that the colonists themselves take care and provide for them, all he could say in reply was, that exactly in proportion as men required religious instruction were they unwilling to seek it for themselves. His right hon. Friend reserved a certain sum for the civil list, and he quite concurred with him in so doing; but he asked whether he ought not, also, to reserve a certain proportion, either of land or of revenue, to the purpose to which he had called attention. With regard to the upper chamber, the Members of which it was proposed should be elected for five years, he suggested whether it would not be better that they should be elected for life.

Mr. GLADSTONE: Sir, I was one of those who on a former occasion expressed my opinion in strong terms that it was the duty of Her Majesty's Government, in the position in which they stand, and from the state of opinion in this House, to confine themselves, in the introduction of measures for the consideration of Parliament, to questions that were urgent in reference to the circumstances of the present time; and it is on that account that I feel it is no more than just that on this occasion, and without waiting for any future discussion of the subject, I should state that with the feelings which I entertain upon colonial liberties, and with the respect which I wish to pay to the sentiments and opinions of our fellow-subjects in the colonies, I think my right hon. Friend the Colonial Secretary has done no more than his duty—notwithstanding the state of Parliament and the great issue we are awaiting at home—in submitting to the House of Commons the plan he has just explained. It appears to me that, after all that has taken place in regard to New Zealand—after Parliament in 1846 had professed to confer on that Colony the benefits of free institutions, and still more suddenly withdrew the institutions, that were somewhat suddenly and rashly given—after the state of suspense in which the people of that country have been kept from year to year for so long a time, and considering their admitted fitness and capacity for the exercise of political privileges, I say that they would be deeply aggrieved if they were to find that differences of opinion amongst ourselves with regard to the particular condition of their colonial institutions, should prevent us from giving, in the present state of public affairs, the benefits of free institutions to New Zealand. Acting in that spirit, and being desirous that no further delay should take place before an immense boon is conferred on a great number of our fellow-subjects, who I believe are exceeded by none in their known worthiness to receive, and their perfect competence to exercise political privileges, I shall be ready to concur with my right hon. Friend, and to lend him every assistance in my power in forwarding this Bill. There are many points in our colonial institutions on which I may have views somewhat varying from those which Her Majesty's Government may be prepared to recommend; but at present the only question I am disposed to ask myself in this—is the Bill proposed by Her Majesty's Government, on the whole, a boon for the colonists, and is it worth the while of the colonists to receive it? I do not wish to give a detailed opinion on its provisions until I read them in print; but after hearing the statement of my right hon. Friend, I cannot have the slightest hesitation in stating my strong opinion that this Bill is a Bill embodying many most valuable principles, and a Bill which in the circumstances in which the Government stand will be received and hailed with gratitude by the colonists of New Zealand. I will reserve the consideration of the provisions until that fuller discussion which I am sure my right hon. Friend is prepared to facilitate. If there was any one provision in the Bill which I should endeavour to induce him not to persist in to the letter, it would be one of those in which he differed from the plan intended to be proposed by Earl Grey—I mean the constitution he proposes to give to the Legislative Council, and the Central Legislature. On that particular question I must reserve to myself the right of expressing—especially on Conservative grounds—the reasons which lead me to a different conclusion from that arrived at by the right hon. Gentleman. But on looking on the measure as a whole, I think it will be a boon well worthy of a grateful reception on the part of the colonists of New Zealand, and likewise a measure that does honour to my right hon. Friend, notwithstanding his brief experience in office, to which he so modestly refers.

MR. VERNON SMITH said, he thought the right hon. Gentleman need not have been so precipitate in introducing his Bill, especially as he had only on that day laid the papers on the table of the House which had been received in the course of last year. He hoped that if the House allowed this measure to be laid on the table, they would not be precluded from discussing on a future day the question as to whether this was a measure which it was absolutely necessary to pass in the present Session of Parliament. The right hon Gentleman the Member for the University of Oxford (Mr. Gladstone) had said that all they had to consider was whether the measure wonld be received in the light of a boon by the colonists. He (Mr. V. Smith) was, however, of opinion that the House had much more to consider. Before the House adopted this Bill, they must consider whether the proposal to give the management of the Crown lands in New Zealand to the Government of that Colony, whilst at the same time no step was taken to confer a similar advantage upon the Colonies of Australia, would not produce much dissatisfaction and discontent. In his opinion the Parliament of this country ought to extend that advantage to every one of the Australian Colonies. That and the other important principles in the proposed Bill, hon. Gentlemen should consider well before they permitted the right hon. Gentleman to proceed further with it. He did not hear the right hon. Baronet say anything with regard to the qualifications which would be required to the Members of the provincial Councils or of the general Legislatures. That question had already been discussed in the House, and he only mentioned it with the view of learning from the right hon. Baronet whether he proposed to make any difference between the qualifications required of natives, and those required of European settlers. On another question, too, he should like to be furnished with some information—he alluded to the differences which had existed between the New Zealand Company and the Government. He wished to know whether they had been arranged. That question was left in some doubt last Session; and it was desirable that the right hon. Baronet should inform the House what was exactly its present condition. He made these observations mainly for the purpose of precluding the assumption that the House had no right to discuss the question at that stage. He hoped that the right hon. Baronet would understand that the question was perfectly open. He hoped that the right hon. Baronet would submit his Bill at such a time as would give ample opportunity for its discussion.

Mr. HUME said, he was not satisfied with the course which had been taken by the right hon. Baronet the Colonial Secretary. This, in his (Mr. Hume's) opinion, was not a question of urgency, and he, therefore, thought that the Government ought to have postponed it till the next Parliament. Whatever decision might be come to with regard to the disposal of the Crown lands in New Zealand, ought to prevail with regard to the rest of our Colonies. If the privileges which we might give to New Zealand were not at the same time extended to the other Colonies of Great Britain, discontent would prevail amongst them. If the Government should determine on persevering with the nominee system with regard to the composition of the colonial councils, the privilege of colonial legislation would be perfectly useless. The proceedings of the Cape of Good Hope would satisfy hon. Gentlemen on that point. Every man who had visited the Cape would confirm his statement. Similar testimony could be had from New South Wales, Van Diemen's Land, and every other place where the mockery existed. Unless, therefore, the Government could make up their mind to do away with the nominee system, they need not expect to see contentment in our Colonies. He expected to have heard something said by the right hon. Baronet as to relieving the mother country from the expense of administering the affairs of the Colonies; but not a word had been said on that subject. They were told by Earl Grey two or three years ago that measures were in progress which would make the Colonies pay their own expenses, and relieve England of the burthen which she had too long borne for them. He confessed he was very much disappointed at not having heard a word said by the right hon. Baronet as to how far the Colonies were to be dependent upon the mother country. The right hon. Baronet had stated that he would reserve a certain amount of the colonial revenue for the civil list, and 7,000*l.* for other purposes. Now, he (Mr. Hume) conceived that if the Colonies were to be compelled to raise a revenue for the support of certain public institutions, they had a right to be entrusted with their management. It was treating them as children to keep them thus in leading strings, notwithstanding all the experience which they had had. He also objected to that law which compelled the Colonies to wait until this country sanctioned those Bills which they might have adopted in their own Legislatures after ample discussion. He had long felt great anxiety with regard to the burthen which England had to bear with respect to her Colonies, and he regretted that the right hon. Baronet had said nothing which could tend to relieve that anxiety. On that ground he did not think it worth his while to discuss at the present time the Bill of the right hon. Baronet, which contained no principles that could tend to the general welfare of the Colonies.

Sir WILLIAM MOLESWORTH said, that unless some such measure as the one now proposed were passed, they must pass an Act of Parliament for the purpose of suspending the constitution of New Zealand for at least another year. Now, to the passing of such an Act he would offer all the opposition in his power, because in his opinion almost any form of representative government would be better for New Zealand than the continuation of the present state of things in that colony. He was excessively anxious that the settlers in New Zealand should have as speedily as possible the management of their own local business, both for their own sakes and also for the sake of the people in this country. He felt certain that until they had obtained such a privilege, no step that could be taken would relieve us from the vast expenditure to which we were put on account of them. The right hon. Gentleman the Secretary for the Colonies had said that the Colony of New Zealand was a very interesting and remarkable Colony. In one respect the Colony of New Zealand had been one of the most remarkable colonies which this country had ever planted; because in proportion to the numbers of its European population, and in proportion to the period of its existence, it had cost us a larger sum of money than any other Colony which Great Britain had ever possessed. He found that in the course of the last eleven years we had spent on this

Colony of New Zealand the immense sum of 1,600,000*l.* in civil, military, and naval expenditure. Now, he was convinced that no stop could be put to this vast expenditure until New Zealand had the power of managing its own affairs. He had listened with great attention to the speech of the right hon. Gentleman opposite. He should be sorry at that moment to pronounce a very decided opinion with regard to the details of his measure, but he must say that, though he felt it his duty to object to some of the details, he took the measure as a whole as one which would confer upon New Zealand institutions of a most liberal character. He agreed with the right hon. Gentleman in thinking that there should be one Central Legislature in New Zealand, and that that Legislature should be composed of two Houses. He disagreed, however, with the right hon. Baronet as to the nominee system. The right hon. Baronet would find that that system would not work well; he would find that the nominees of the Crown would not command any respect, influence, or weight with the inhabitants of New Zealand. He agreed with the right hon. Baronet in thinking that, owing to the peculiar manner in which New Zealand had been colonised, they should develop as much as possible municipal or provincial institutions amongst its inhabitants; and he was of opinion that the proposal to divide the Colony into six provinces, each province to have a council, with a president, would be advantageous. In his opinion, that officer should be elected by the inhabitants of the Colony. The right hon. Gentleman proposed to vest the disposal of the waste lands in the Central Legislature of New Zealand. That was a boon which would be accepted by its inhabitants with great thanks. He hoped that a similar boon would also be conferred upon the Australian colonies. He would not at that moment enter into the other points to which the right hon. Gentleman had adverted. He would reserve his remarks upon the details of the measure until another opportunity, and would conclude with expressing his opinion that the House would confer a great boon upon the inhabitants of New Zealand, and all the friends of free institutions to our Colonies, by assisting the right hon. Baronet in his endeavour to carry this Bill.

Mr. F. SCOTT said, he was greatly satisfied with the course taken by the Government in regard to this measure, which was preferable to the continuation of the Suspension Act for another year. In reference to the Crown lands, the burden was felt to be so great in New Zealand that he thought it was highly desirable, in order to settle the question, that the principle recognised by the Government should be enacted in the present Parliament. Seeing that it would be necessary if some such Bill as this did not pass, to carry a Suspension Act, surely it ought to be the desire of colonial reformers, sitting on the other side of the House, that a measure should be carried which conferred on the colonists extensive powers of legislation, rather than that they should carry a mere Suspension Act.

Mr. P. HOWARD thought his hon. Friend who had just sat down was mistaken in supposing that any hon. Member had stated his intention to oppose the introduction of this Bill. His (Mr. P. Howard's) hon. Friend the Member for Montrose (Mr. Hume) had, no doubt, made some general strictures upon it; but neither he nor any other hon. Member had expressed his intention to oppose its introduction. The hope that had been held out in Her Majesty's Speech at the commencement of the Session, that representative institutions would be granted to the Colonies, had naturally strengthened that earnest desire for the establishment of such institutions which already existed in those colonies where such did not exist. He had confidence in the fulfilment of that hope. He was quite sure that the unsettled state of the Government in New Zealand materially tended to retard the progress of emigration to that colony, which was so favoured by climate, and so calculated in every way to give ample scope to the enterprising spirit of our fellow-countrymen. He partially agreed with what had fallen from the hon. Baronet the Member for Southwark (Sir W. Molesworth) and the hon. Member for Montrose as to the constitution of the upper house of assembly; he agreed with them, that that was one of the main difficulties with which we had to contend. Unless the representative element were in some measure infused into the upper assembly, he did not think it was likely that we could give permanent satisfaction to New Zealand. It might be necessary that certain official Members of the Government should hold seats in the upper assembly in virtue of their offices; but as a general principle it would be well that the elective system should as much as possible be infused into the upper as well as the lower assembly. He hoped that Her Majesty's Government would give due consideration to that point. It might be possible to arrange and combine a second or upper chamber, which should be confined to those who had once served in the other house of assembly; but the elective principle, however modified, would, he thought, be a great object to secure, and one which ought not to be neglected. At the same time, something might be urged in favour of the retention of a certain amount for a civil list. He trusted that that principle would be as sparingly enforced as possible; for they had seen that every case of feud in the colonies arose from that head. In some cases it might happen, as in Australia, that the fixed salary of an official might, under ordinary circumstances, be too large, whilst, on the other hand, it might be too small. It was, consequently, advisable that the salaries of official men, and of those who served under the Crown in New Zealand, should be fixed by those who had chosen that colony as their home. When he considered the character of the inhabitants of that Colony, and the position of those who had emigrated to it—when he considered that it might be said to contain men representing almost every class in society—if this boon of representative institutions could be conceded to them, he believed that it might be conceded with safety anywhere. He trusted that the invigorating principle of election would be allowed to pervade the Upper as well as the Lower House of Assembly. He trusted, too, that nothing would prevent the House from dealing with this measure during the present Session. He begged to offer his meed of thanks to the right hon. Gentleman the Colonial Secretary for the ability and zeal which he had shown on the present occasion. One of the great foes of this country—Napoleon—said that Colonies were the wings that enabled this country to soar to greatness. Without our Colonies we should be comparatively powerless; and as he believed that this measure was one of the means of securing them to us, giving happiness and contentment to their inhabitants, and providing a field for the development of our fellow-countrymen's enterprise, he trusted that the House would aid the right hon. Baronet in his endeavours to carry it through the Legislature.

Sir EDWARD BUXTON said, he had listened with great satisfaction to the plan of the right hon. Secretary for the Colonies, in which he was glad to perceive that the Government had determined that the franchise should be the same for the natives as for the rest of the inhabitants of the Colony. He was satisfied that in a distant Colony like New Zealand, in which they might be said to be forming the nucleus of a future republic, it was of great importance that there should be no difference made between the different races of which the Colony was composed. In that respect there was a difference between the Bill of the right hon. Gentleman and that of Earl Grey. If he remembered right, in the Bill of Earl Grey the franchise for the natives was different from that of the colonists. He (Sir E. Buxton) rose, however, for the purpose of asking the right hon. Gentleman whether he could inform the House how many, or what proportion, of the natives were likely to have votes under the proposed franchise; and whether he had provided that not only in the provincial Chambers, but in the Central Legislature, they should have no right to enact that any different franchise should be enforced on the natives, to that which was to be enacted for the European colonists? He trusted that provision would be made in the Bill by which the colonists hereafter would have no power to make one franchise for themselves, and another for the natives. He thanked the right hon. Gentleman for what seemed to him (Sir E. Buxton) a very liberal scheme of representation for New Zealand, and he trusted that it would afford happiness and freedom to the comparatively large native population by which the English settlements were surrounded.

Mr. ADDERLEY said, that one thing in the statement of the right hon. Gentlemen the Secretary for the Colonies had greatly surprised him, namely, that he should have thought it necessary to adduce figures, showing the increase of the population and commerce of New Zealand, in order to persude the House that the Colony was fit for a Representative Government. He (Mr. Adderley) asserted that it had been fit for years; and the fact had been admitted over and over again by different Ministers of the Crown. He confessed that he had listened with astonishment to the speeches of the right hon. Gentleman the Member for Northampton (Mr. V. Smith), and the hon. Gentleman the Member for Montrose (Mr. Hume), asking for more time to consider this proposition; especially when he knew how conversant both of them were with Colonial affairs. The right hon. Gentleman the Member for Northampton must have made up his mind on this subject over and over again; and certainly he had a fair opportunity of doing so when his Friends were in office, and he himself for a short time, during which his Colleague the Colonial Minister had matured a second New Zealand constitution, drafted it and sent it out to the colony. The right hon. Gentleman could scarcely consider this a new measure; and he (Mr. Adderley) hoped he would give his assistance to the right hon. Secretary for the Colonies in carrying out one which was so desirable. With regard to the observation that had fallen from the hon. Member for Montrose, that the mother country should be relieved from the expense it sustained on account of the Colonies, he would tell the hon. Gentleman that he must do justice before he talked of economy—that he must give the Colonies their rights before he could expect this country to be relieved of their expense. Give them their rights, and then these expenses, no more burdensome to us than irritating to them, might be abolished. Canada was the only Colony which enjoyed anything like its proper political rights, and it was also the only Colony from which the Government had ventured even to contemplate withdrawing its troops. The hon. Gentleman (Mr. Hume) had said that this was not a case of any urgency. Why, if we had a grievance at home, involving only a millionth part of the inconvenience to ourselves and injustice, not a night would pass before the House had taken some steps for its removal. He would not attempt to discuss the details of the measure in its present stage, because he conceived the principle of the measure, if it was not already conceded, would be discussed on the second reading, and the details considered in Committee. He rose on the present occasion rather to express his own gratitude and that of certain gentlemen now in London, by whom the views of the colonists were to a considerable extent represented, to the right hon. Gentleman, for having, so immediately on taking office, recognised the necessity of this measure, and for having addressed himself to the consideration of the subject without delay. He could assure him that the feelings of the colonists were so strong on the subject, that they would be content with any measure opening the prospect of self-government to them, without narrowly scrutinising its details; and they were most thankful for the measure proposed. There were, however, two points respecting which he greatly objected to the details of the plan. In the first place, he concurred in the observations of the hon. Baronet (Sir W. Molesworth) with regard to the composition of the Upper Chamber of Legislature. That that branch should be composed of nominees of the Crown, appeared to him (Mr. Adderley) a great blot in the measure, for hon. Members knew very well how these nominees stunk in the nostrils of every colony in which the system had ever been tried. He objected to the nominee chamber, because it was a caricature of the House of Lords. These nominees were not in the independent position which belonged to Members of the House of Lords in this realm; they were merely tools of the Crown, carrying on through an additional department of legislature that which pervaded too exclusively all our Colonial Constitutions, namely, the Crown, and nothing but the Crown. In the second place, he regretted the very subordinate position assigned to the Provincial Legislatures. In fact, the Central Legislature was made the only one in the Colony, for it had a general overriding power, evidently intended to swallow up the powers distributed through each separate locality. This plan reversed the principle which that House had carried out successfully in almost every other Colony. A body of English settlers that went to any particular spot seemed to have generally some pervading idea; and it was not until other settlements began to grow up in their neighbourhood that they felt the want of a general legislative body. The proposed plan, therefore, seemed to put the cart before the horse. If they had given to each Legislature a cheap, practical, and effectual mode of dealing with their own affairs, they would ultimately have arrived at the Central Legislature at which they aimed, with much greater success than they were likely to do by the plan proposed. He should certainly have given to the Provincial Legislatures many functions and subjects of legislation that were proposed to be given to the Central. He should even have gone so far as to have placed the management of the land funds in their hands. The right hon. Baronet had argued against the federal system, and in favour of one pervading general Legislature, on the ground that the natural features of the country opposed a barrier to communication between the different provinces. That he (Mr. Adderley) should have thought was rather an argument for federation in preference to comprehension, and for each province managing its own affairs until these impediments should have been removed, and until the different provinces should have approached nearer to each other, and should naturally have formed themselves under one combined Government. The best authority on the subject, Mr. Fox, delegated here from Wellington, the author of *The Six Colonies of New Zealand,* was of a similar opinion; and Mr. Deans, who was connected with Nelson and with Canterbury—the settlement in which he (Mr. Adderley) was more particularly interested—had told him that very day that they might as well put the Central Government at Sydney as at Auckland, or even at Wellington; for there was actually as much communication between Canterbury and Sydney, as there was between Canterbury and Wellington. However, these were points of detail which might be discussed hereafter. What he wished to see was the representation and self-acting principle of the British Constitution applied to the colonists; who, though far from their native shores, were still as much entitled to the privileges of that Constitution as they who remained at home. To show the injustice of the present system, and the check it gives to colonial enterprise and development, he would only state a fact or two. Six years ago the colonists applied for permission to build a lighthouse at Port Nicholson: they raised the money, and the only thing wanting was to get a Bill passed through Parliament for authority to levy dues. The Minister of that time replied, that he must refer to the Governor for further information; and to this day the lighthouse is unbuilt, and several shipwrecks have occurred at the spot. He remembered that the hon. Gentleman the Member for the West Riding (Mr. Cobden), when dining in a wooden townhall in France, had asked the municipal authorities how it was that they had no better public edifice; and the answer he received was, that they had pulled down the old building, for the purpose of erecting a new one, twelve years ago; that they had been obliged to send the plans to the Minister of the Interior, and that there they had remained ever since. Such was precisely what constantly occurred in the Colony of New Zealand. The Canterbury colonists, though they had only a few months landed, had already paid 3,000*l.* taxes to the Central Government; but they could not get in return some small outlay for moorings in their harbour, and the result had been that some of the most valuable lives in the settlement had been lost. Such was the present miserable system of government. So long ago as 1845, the noble Lord the Member for the City of London (Lord J. Russell), and the late Sir Robert Peel, had both acknowledged that self-government ought at once to be given to New Zealand; the next year, 1846, the Governor wrote to the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), then at the Colonial Office, that the Colony was fit and eager for self-government. Earl Grey, on succeeding to the office the same year, was so strongly of the same opinion, that before he had been in office two months, he sent out to the colony his idea of a Constitution. An Act was accordingly passed, but the Governor had taken upon himself to prevent it from coming into operation. It had been suspended for five years, but under a portion of its powers kept alive, the Governor had made two abortive attempts to constitute provincial councils; in one case wholly nominated, in the other partially. Both failing, he himself governed, taxed and appropriated taxation autocratically, and therefore illegally. It was, indeed, most creditable to the present Colonial Secretary that he had not allowed such a state of things to continue—that he had determined not to let a mere change of Ministry, with which the colonists had had nothing to do, prevent them receiving a measure of such tardy justice; and he begged to thank him, in the name of those who were now in London as the agents of the Colony, for having so ably and so vigorously addressed himself to the measure.

LORD JOHN RUSSELL said, that he thought that Her Majesty's Government would have been fully justified if they had said, that this being a subject of great importance, and one which required considerable investigation, they proposed to suspend the Constitution of the Colony for another year; but having fully investigated the subject and proposed a measure, he thought they were not only justified but entitled to the greatest commendation for having introduced it at so early a period to the notice of the House. With respect to the measure itself, not having yet seen it, he wished to say as little as possible. He trusted that there would be no considerable opposition to its progress through the House, and hoped to be able to give his support to some of those points upon which the hon. Member who had just sat down had threatened the Government with opposition. With respect to Legislative Councils nominated by the Crown, there was no doubt but that in the present state of things they had not that amount of authority which they ought to have; at the same time the right hon. Baronet the Colonial Secretary, in his (Lord John Russell's) opinion, was justified in saying that the Constitution of New Zealand should be an image of the British Constitution, and that such should be generally established in the Colonies. They had not, of course, an hereditary peerage, and the deficiency was therefore supplied by nominees of the Crown. He could not oppose any Motion of his own, or support a Motion in opposition to the views of a Minister of the Crown, who proposed to imitate that which had been the established form of the British Constitution in the Colonies. The chief thing was, no doubt, to establish Representative Institutions, and if it were found that there were parts of such institutions which worked with dissatisfaction in the Colonies, there could be no interest either in the Minister of the Crown or in Parliament to oppose the just wishes of the Colonies in that respect. The grand obstacle to the due working of representative institutions in the Colony of New Zealand was found to be the great disproportion between the number of British settlers and natives fitted to undertake the working of these institutions. Now, the right hon. Colonial Secretary proposed, if he understood him rightly, that when a native should hold a qualification the same as a British settler, he should have the same right of voting, and the same franchise. That might be a very convenient arrangement within a restricted settlement; but if the settlement were considerably extended, it was obvious that they would then come to large bodies of natives who would have no conception of the mode of carrying out such institutions, or of the persons whom they ought to send as their representatives. Upon the other hand, these natives would consider it a great grievance if they were altogether excluded from having a voice in that Assembly. This was the great difficulty which the Governor (Sir George Grey), a very able man, felt—the difficulty of providing for the due representation of 100,000 of the native population. On the other hand, there was great objection, and some danger, in conferring upon the Governor absolute authority in limiting the districts. It appears, therefore, that the main difficulty in any such measure as the present is, whether you will give absolute authority to the Governor in this important matter, or reserve that authority for the Queen in Council, or define it in the Bill. He did not very clearly understand the limits over which this General Assembly was to have jurisdiction—whether over the whole of New Zealand and the different adjacent islands, or whether all the parts of the Constitution were to be enforced, or whether they were to be placed within restrictive limits. That was the difficulty felt in 1848; and he was not aware who the present Government proposed to overcome it. He hoped the Government would be able to succeed; and, for his own part, so far as he could conscientiously do so, he should give them his support.

Mr. AGLIONBY said, he rose to thank the right hon. Baronet at the head of the Colonial Department for the care, attention, and zeal with which he had considered the important subject to which the Bill related. He (Mr. Aglionby) felt greatly interested in the subject of the proposed Constitution of New Zealand, he having been instrumental in introducing a large proportion of the colonists to that country. He differed from the hon. Member for Montrose (Mr. Hume) in his opinion that the present measure was not one of importance; as, on the contrary, he believed it to be of the highest possible importance, and calculated to be productive of great and lasting benefits to the Colony. There was only one point on which he (Mr. Aglionby) wished to make an observation—he meant the land question. He agreed generally in the remark of the hon. Member for North Staffordshire (Mr. Adderley), that the management should be placed, with a qualification, in the hands of the Colonists. It ought to be recollected that the land fund had been given by the Imperial Government as a security; and the right hon. Baronet at the head of the Colonial Department had intimated, that in placing the fund in the hands of the Central Legislature it would be necessary to provide some security for those who had claims on that fund. A lien had been given to the New Zealand Company, which was to take effect in July, 1850, in the contingency of the Company's not being able to continue its colonising operations; so that the land fund was the only statutable security which the New Zealand Company had for its debt. With respect to the New Zealand Company, he would simply state, that by its exertions they had prevented the Colony becoming a French penal settlement, and that in consequence it was entitled to receive a fair consideration of its claims. Having had an interview with the right hon. Baronet on the subject, he acknowledged the right hon. Baronet's attention and anxiety to leave no room for any charge of breaking faith. Earl Grey felt so strongly the difficulty of the Crown dealing with the land, that he proposed a mode of relieving the land from the lien upon it; he wished to cut the Gordian knot. Till the Colonists got the land they never would be satisfied. The cheapest and best course was to let them have the land, and to create a stock. The moment the Parliamentary pledge was redeemed, Parliament would have the right to deal with the land as it pleased. He believed, that till they gave the Colonies free institutions, allowed them to choose their own Legislature, and manage their own lands, and withdrew their present expensive staff—protecting them only against foreign hostile invasion—they would be constantly called upon to find some assistance for the support and maintenance of their colonial establishments.

Mr. GLADSTONE said the right hon. Baronet at the head of the Colonial Department had adverted to the plan of a Constitution for New Zealand, which had been proposed by the late Colonial Minister, and embodied in a public document. There would, perhaps, be no objection to laying that plan before the House. It would be useful when they came to discuss the Bill in Committee.

Colonel THOMPSON said: I cannot resist the temptation of attempting to offer to the right hon. Secretary for the Colonies a warmer congratulation than any he has yet received. Does the right hon. Gentleman know—I am certain he does know—that a principle has fallen into his hands which is capable of carrying this country to as much of the empire of the world as an honest man can wish? The questions of a first and second chamber shall be left to the professionals in that line; for there is another question which by its magnitude reduces them to comparative insignificance. The bane and injury of our colonial establishments has always been the differences of race. Of those differences the right hon. Baronet has announced the beginning of the end. He has demonstrated, with a statesmanlike grasp, that the British Crown stands in the same relation to the natives of New Zealand as the Romans to our rude ancestors. It is not clear whether our ancestors ate anybody, but it is certain that they roasted. Here, then, was a native race, much like our painted forefathers, proposed to be introduced, on equal terms, to the benefits of British citizenship. Man could not foresee to what extent a principle so auspiciously begun might in the end be carried. There were some points of detail on which information might be desired. It had been stated what was to be the qualification of the electors, but not of the elected; if it were the same as that of the electors, there would be every reason to be content. There was one other point not altogether satisfactory. There was something said of a sum of 7,000*l.* to be expended for the benefit of the natives. If the natives were to be equal with persons of European birth or descent, why should they be treated as children or objects of charity? They would advance as quickly if left to their own resources; they wanted no such adventitious aid as was proposed. On the whole, however, it was impossible to avoid congratulating the right hon. Baronet on his good fortune in being the agent in this great cause. Some of us might have been content if it had fallen into previous hands; but large and most respectable classes in this country would view with delight the prospect that the subject would be dealt with as seemed intended.

Sir JOHN PAKINGTON said, he must acknowledge the favourable and indulgent spirit with which the House had received his proposal, and felt, in consequence, more sanguine than ever that, notwithstanding the lateness of the Session, and his desire to meet any fair objection to the measure, that it might become the law of the land before the close of the Session. With regard to the exception which the hon. Member for Montrose (Mr. Hume) made to the general tone of the reception given by the House to his plan, he should have thought that a Bill for conferring the blessings of self-government on his fellow-subjects would not have been treated by the hon. Member as unworthy their attention this Session. He was glad that his attention had been called to a subject which he had overlooked in his statement, namely, the great expense of the Colony to this country. He found that, from the year 1845 to 1851, the annual expenditure of this country for New Zealand, not including the maintenance of the military forces there, had fluctuated from 20,000*l.* to 36,000*l.* In 1843 there was a vote of 54,000*l.*, and in 1850 of 21,000*l.* This large expenditure constituted an additional reason for giving to the Colony a system of self-government. He had great pleasure, however, in stating that, in the Colonial Estimates to be submitted to the House in the present year, the large annual sum hitherto granted to New Zealand would be reduced to 10,000*l.* For the next year the Government had reason to hope that 5,000*l.* only would be required to be voted, and in the following year they had every reason to hope that the Colony would become entirely self-supporting. He was not able to answer exactly the question put by the hon. Baronet the Member for South Essex (Sir E. Buxton) as to the probable extent of the provinces which would be affected by the measure; but on referring to a recent despatch of Sir George Grey from New Zealand, it appeared that in the British settlements both races already formed one harmonious union, cemented by the same bonds, engaged in the same occupations, professed the same faith, resorted to the same Courts of Justice, stood in many cases mutually and indifferently to each other in the relation of landlord and tenant, and were rapidly and invisibly forming but one people. It would appear that at all events a very large proportion of the native population was entitled to the same privileges as the British settlers, though what that number might be he could not state with any degree of exactness. With reference to the grant of 7,000*l.* to which some objection had been taken by the hon. and gallant Member for Bradford (Col. Thompson), it should be borne in mind that, although they had a considerable number of natives ready to take a place with British subjects, there were still a large number in a population of about 120,000 who were very far from the same point of civilisation, and the sum proposed would be expended for the purpose of providing schools and other means for raising the civilisation of that portion of the natives. The noble Lord the Member for the City of London (Lord John Russell) had desired some information on the subject of the limits of the jurisdiction of the General Assembly. By the proposed measure the Governor would have the power of prescribing the limits to the different provinces; it would be open to the Central Legislature to extend these limits as circumstances might require. The Central Government would, of course, have control over the whole of the Colony. With reference to the document referred to by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), if he considered that it would tend to facilitate the discussion of the Bill, he should have no hesitation in laying it upon the table of the House.

LORD JOHN RUSSELL: The plan as proposed by Earl Grey in the document referred to, is one which has not been maturely considered.

SIR JOHN PAKINGTON said, that if the noble Lord had any objection to his doing so, he would not consent to its production. He would leave the matter between the noble Lord and the right hon. Gentleman.

LORD JOHN RUSSELL: I have no objection to its being laid before the House.

Leave *given;* Bill *ordered* to be brought in by Sir John Pakington and Mr. Henley.

MILITIA BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. COBDEN: Mr. Speaker—Had the majority in the division on the second reading of this Bill fairly represented either the population or the wealth of this country, I should not have ventured to offer one word more, either to resist or delay the progress of the measure. But I have the sanction of the First Minister of the Crown for the course I have taken on this question. I have taken the division lists and analysed them; and, amongst that large majority of two to one who voted in favour of the Militia Bill, I find not the representatives of any of the large centres of intelligence, industry, and wealth, of any of our large city populations. In the minority I find the representatives of Edinburgh, Glasgow, Manchester, Birmingham, Westminster, Southwark, Marylebone, Lambeth, Tower Hamlets, Finsbury, Greenwich—the largest of our borough constituencies; also, Newcastle, Hull, Southampton, Oxford, York, Stockport, Worcester, Sheffield, Northampton, Huddersfield, Aberdeen, Canterbury, Montrose, Bath, Dundee, Coventry, Leicester, Preston. The City of London and Liverpool were divided on this question. Leeds and Bristol were also divided; but the two Members who voted for the Militia Bill have declined again to canvass for their seats. Middlesex and West Yorkshire are divided. I can say for myself, knowing what is the state of public opinion in West Yorkshire, that, next to free trade, there is no one question on which I would more fearlessly go to that constituency for re-election, than as an opposer of the Militia Bill. In addition to this test, 800 petitions have been presented against the Bill; and all the large towns in the Kingdom are in opposition to it; and, what is a fact deserving of special remark, there has not been one petition nor one meeting held in its favour. I do not pretend to say that the Government is not competent to propose such a Bill; but these facts afford fair ground, at all events, why I should move a reconsideration of the measure. I wish these facts to be known, not only in this country, but in a neighbouring country. I wish them to know that the great centres of intelligence and population in this country do not join with those Gentlemen in this House who call themselves statesmen, in the views which they take in regard to the foreign relations of this country, forsooth, and who rise in their places—possessing great authority on other questions which is evidently lost on this—and tell us that we are in danger from our neighbours, and must be prepared for an invasion by a horde of savages. It is evident the great mass of the intelligent people of this country totally disbelieve it. Nor is this to be taken as an expression of opinion that the population are indifferent to the security of the Realm. How have the population acted on other occasions? Sir Walter Scott tells us:—

> "On a sudden the land seemed converted to an immense camp, the whole nation into soldiers, and the good old King himself into a general-in-chief. All peaceful considerations appeared for a time to be thrown aside, and the voice calling the nation to defend their dearest rights sounded, not only in Parliament, and in meetings convoked to second the measures of defence, but was heard in the places of public amusement, and mingled even with the voice of devotion."

This was a description of the state of things in 1804, when there was really an apprehension of invasion. How is it that the people out of doors do not do on this question as on all others where it is necessary—take precedence of this House? How is it that they have not given us the lead? Simply and solely because they do not believe that there is any ground for the slightest alarm, and because they believe they have already made abundant sacrifices out of their resources, sufficient to meet all the dangers that may impend over the country. They think, after voting 15,000,000*l.* of their money annually — a sum which would build a Manchester or a Glasgow every year—for our military armaments, that in the present state of the affairs of the world there is no necessity why they should leave their profitable occupations and turn soldiers in their own defence at a shilling a day. I am going to deal on the present occasion, not with your Army, but with your Navy, which we have been taught to consider the safeguard of England. The "wooden walls of Old England" cost a great deal to this country; and it is the opinion of the country that they ought to be able to protect us. We vote 6,500,000*l.* for our Navy and naval establishments, including the packets for the Post Office service; and I include those, because in the case of hostilities the very brunt of the war would be borne by those packets, which are larger than the Government steamers, and would be able to catch anything, or run away from anything; therefore I say they are one of the most essential parts of the Navy. Going back to 1835, I find we spent only 4,500,000*l.* on our Navy. We have since increased that expenditure 2,000,000*l.* Why? To meet the very difficulties and contingencies which you now say you are making provision for. In 1836, it was said we were going to have war with Russia, and you added 5,000 men to your Navy. There was no war with Russia, but the additional force was kept up. In 1841 and 1842 you had difficulties in China and Syria, and a threatened rupture with France; and in 1842 occurred the difficulty with America about the Maine boundary. We added to our Navy then on account of the war in China and Syria, and the chance of a rupture with the United States. Those difficulties passed away, but the Navy was never reduced. In 1845, there was a very grave and serious alarm of a rupture with the United States about the Oregon territory. There was a strong probability of war, and an increase of 1,000,000*l.* or 1,200,000*l.* was agreed to in the warlike expenditure. We then formed what was called a squadron of evolution; it manœuvred near our own shores; the Queen paid a visit to it; and it was said at the time that there was as large a force in that squadron as had gained the battles of the Nile or Trafalgar. The Oregon dispute was settled; but the squadron was not at all reduced. Then came the dispute with France about the Spanish marriages. The dynasty of France had passed away like a dream; and, instead of coming here as invaders, had been glad to receive our hospitality. Still these preparations had continued, and that on a scale large enough to meet hostilities from a Power far more formidable than France; for there is no doubt the United States is far more powerful; and you have all the force you prepared to meet that Power, and also the force you prepared to meet France. This year we have voted 39,000 seamen and boys, and 5,000 for a reserved force—in all 44,000. You have, therefore, all that you ever had during the time I am speaking of. There is no authentic source from which I can ascertain the exact state of our naval forces. No annual report is made of the number of vessels—where they are stationed—how many are in course of construction or in ordinary. We have to hunt through the military or naval periodicals to find this out, and then we do not find the number of men. The only source from which I can obtain the latest correct account of our naval forces is from the speech of the late First Lord of the Admiralty (Sir F. Baring), who, in moving the Navy Estimates in 1850, stated that the—

> " Ships of the line in commission were 13; advanced and ordinary, 58; building 15, of which 3 were ready to be launched. There were frigates in commission, 9; advanced and ordinary, 58; building 8, of which three were ready to be launched. Vessels of a lower grade than frigates in commission, 92; advanced and ordinary, 79; building 4, of which there were ready to be launched 1. Of steam vessels there were in commission, 88; advanced and in ordinary, 68; building 11; and of which there was 1 ready to be launched. So that there were 202 ships in commission; 263 advanced and in ordinary, and 38 building, and 6 of these ships were ready to be launched." — [3 *Hansard*, cix. 707.]

In round numbers, ships built and building, 500. I have no doubt our present naval force amounts to very much the same. How is that naval force disposed of? Here again I am just in the same difficulty. I know not where to apply to know where the vessels are stationed, and what is the amount of force on each station. But the right hon. Gentleman the Home Secretary, in introducing this Militia Bill, on the 29th of March, told us the number of vessels at home ready to sail. He said—

> " Your ships in commission on the home station at this moment are, 9 line-of-battle ships, 5 frigates, 1 sloop, 9 steamers propelled by screw, and 8 propelled by paddle."—[3 *Hansard*, cxx. 271.]

And he grounded his Militia Bill on the statement that that was all the force we had to protect our shores. But when the hon. Gentleman the Secretary for the Navy spoke on another occasion, he said he had to add to these the following list:—

> " There were at Woolwich 9 vessels with 530 men; Sheerness, 7, with 1,544 men; Portsmouth, 16, with 6,642 men; Devonport, 11, with 2,822 men; Cork, 5, with 368 men; in all, 48 vessels and 11,906 men. To these add the *Hecate* (cruising), 160 men; *Pluto*, 25; *Antelope*, 55; *Vulcan*, 152; making in all 52 vessels and 12,328 men, exclusive of 4,500 marines on shore, and coastguard and dockyard battalions; being altogether 29,648 men. In addition he had to mention the *Simoom* and *Vulcan*, large screw-steamers, each capable of moving a regiment, and several small steamers besides."—[3 *Hansard*, cxx. 382.]

Now the House would see that this was a very different statement from what had been said by the right hon. Secretary for Home Affairs. What I wish to have is an exact statement, such as I have moved for, of the number of ships advanced, in commission, and in ordinary. Then comes the important question, how are our ships disposed of on foreign stations? I served twelve months on the Naval Committee of 1848, and I came to the conclusion that there is a great waste of the public money in keeping large ships on distant stations under the plea of protecting our commerce, for which purpose they are never available. The hon. Secretary for the Admiralty also gave us, in that same speech, the amount of our naval forces on the different foreign stations, which consist of seven—the East Indies and China, the Pacific or west coast of America, the south-east coast of America, the west coast of Africa, the Cape of Good Hope, North America and the West Indies, and the Mediterranean. He says that—

> " The whole of Her Majesty's ships in commission were, East Indies and China, 19; Cape of Good Hope, 9; coast of Africa, 22; on the south-east coast of America the number of ships was 8; west coast of America, 9; North America and West Indies, 13; Mediterranean, 19."—[3 *Hansard*, cxx. 382.]

On referring to the Report of the Naval Committee, I find that in 1837 there were only ten ships on the East India and China station, and that we had been keeping three or four vessels for some years on the coast of New Zealand, in consequence of the troubles there. Now, that we propose to give a Constitution to New Zealand, and to hand over all the waste lands to the local Legislature, we may partly dispense with two or three of these; one ship will be sufficient to be left there. I dare say the war in Burmah will be urged against our bringing home more ships from China and the East Indies. But while we have nineteen ships stationed in those seas, the East India Company have also a large fleet for the protection of commerce, and they profess entirely to protect their own shores; therefore whatever force we have there must be entirely for the protection of our trade to China, and not to the East Indies. Looking at the amount of our exports to China and the Eastern Archipelago, the expense of that immense fleet is altogether disproportioned to it and to the wants of the case. To place large ships of war to serve as a police, where the only enemies of commerce are pirates who keep the shallow waters, and run up narrow creeks where large ships could not follow, is like employing a field battery to look after pickpockets in the courts and alleys of the metropolis. But the fact is, these vessels are never really employed for any such purpose. There have been many of these collisions with pirates; thousands of them have been destroyed, for whom this country have paid head money, and the ships employed have been all small vessels. I will remind you also, that while we have paid 100,000*l.* of head money in two years, there has not been such an amount of resistance as to cause the loss of a single one of our sailors. To keep line-of-battle ships on that station might be for the dignity of our admirals, but we might in this safely imitate the example of the United States, which has not a single line-of-battle ship in any of those seas. I think, therefore, that a very considerable number of our vessels in the East Indies may safely be withdrawn. The Pacific, or West Coast of America station, was formerly united with the East Coast of South America; but in 1833 it was formed into a separate station. The hon. Gentleman the Secretary to the Admiralty has told us that we have 17 ships there—9 on the Pacific and 8 on the Atlantic station. A large increase took place on this station in consequence of the threatened rupture with America on the boundary question, and the dispute going on between Buenos Ayres and Monte Video. During six years we have had an average of 2,000 men and 10 ships of war lying in the River Plate, interfering in that dispute; and yet we effected no good whatever. I believe the merchants themselves at last agreed that our interference had done more harm than good, and had retarded the progress of negotiation. Now, however, General Rosas, like many potentates on this side the Atlantic, has become expatriated, and is in this country; so there is an end to all necessity for British interference in the affairs of the River Plate. You may safely take away six ships from that station, leaving 11, and then you will have a larger force to protect your commerce than the United States has, though their trade is much greater since the discovery of the gold of California. On the west coast of Africa the hon. Secretary to the Admiralty tells us there are 22 ships. The number there is nearly doubled since 1836. I say, bring home every one of those ships, which you are not compelled to keep there by treaty with other Powers—France or America. I do not know whether any of them have been transferred to Brazil to carry on the same operations there, and to keep down slavery; but if they have, they will be far more likely to do harm than good. I now come to the Cape of Good Hope, and where the hon. Gentleman said we had 9 vessels. Now as the Kafir war may be urged as a reason for not removing any of our vessels from that station, I will not say one word in favour of removing a single vessel from that station pending the Kafir war. I come next to the West Indian and North American station, where we have 13 ships, and in proportion to our trade with those places there is no portion of our commerce which requires so little protection as that with North America. It would be an insult to the United States to say that we required vessels to protect our commerce there. They do not send ships to this country to protect their commerce here; and if you attend to your own affairs, and do not meddle with those of others, you have very little occasion for ships in North America. As to the West Indies, you are trading with your own colonies, and, of course, you don't require any great force of ships on that coast. And here, again, I must observe, that nothing is so useless as a line-of-battle ship on the West Indian coast. I am told that at Kingston the officers give balls and entertainments on board these ships, but as to the use of a line-of-battle ship to protect our commerce in the West Indies, it has none whatever. I would withdraw 4 out of these 13 vessels from the North American and West Indian station, and I would have them of the larger size. I now come to the seventh and last station—that of the Mediterranean. We have 19 vessels on this station. Now it is stated in the evidence of Admiral Sir George Cockburn, that in his opinion 6 frigates and 1 line-of-battle ship was as large a force as would be required on this station in the time of peace. But at this moment we have 6 or 7 line-of-battle ships with 12 or 13 smaller vessels, being the largest collection of vessels on any station sailing under the orders of Admiral Dundas from Malta to Cephalonia and Smyrna. Now I want to know if you are really serious when you say that there is danger of an invasion, because, if you are, your conduct is that either of children or of madmen, to leave your own shores unprotected whilst you have the largest concentration of vessels you possess 1,200 miles distant doing nothing. The hon. Gentleman the Secretary to the Admiralty had told the House that—

> "At the first outbreak all depended on our naval supremacy in the narrow seas. Naval defence was requisite for our arsenals. The Channel Islands were now without any vessel of war."—[3 *Hansard*, cxx. 383.]

My proposition is that you should bring home 10 of these 19 vessels, and leave 9, which is 3 more than Sir George Cockburn said would be necessary. Bear in mind that I do not propose to bring these vessels home in order to dismantle them, or to lay them up in ordinary; but as you say that there is danger of an invasion, and that it is therefore necessary to enrol a militia, I say bring home these vessels—have them at Spithead, or Cork, or Plymouth, instead of the Mediterranean. But I hear this objection from the right hon. Baronet, formerly First Lord of the Admiralty—if you bring back the fleet in the Mediterranean, then France, which has made a great diminution of vessels in her northern ports, will bring back her ships into the Channel, and then we would be no better off than we were before. Well, but if this be so, what becomes of all the reasons which were given for increasing our Navy? I heard it said by the noble Lord (Lord J. Russell) that France had no reason to be afraid of our large Navy; that this was an island, that we had a large commerce to protect, and that we wanted a large fleet; that we were not a great military Power, and that our having a large fleet ought not to raise the susceptibility of any other country. But now, when I say, bring your fleet home, I am told, "Oh, it will raise the susceptibility of France, and they will bring their fleet to the northern ports, and so we must become a military nation." If this be true, you have obtained the increase of your Navy under false pretences; you have obtained 6,500,000*l.* by telling us that it was to defend our shores, and then the best part of our fleet is sent to amuse themselves in the Mediterranean. I say if you apprehend an invasion, bring home your fleet from the Mediterranean; and I agree with the noble Lord (Lord J. Russell) in saying that France would have no right to feel jealous so long as she kept up a standing army of 350,000 men, whilst we had only a small army, and which I hope the good sense of the people of this country will not permit to be increased. We have this fleet 1,200 miles of, and then the right hon. Gentleman the Home Secretary tells us, as he did the other night, that Hull and Dundee, and some other places, were left wholly unprotected. Surely this was either a joke or an insult to our understandings. Why, five of the places which were said to be undefended, sent petitions against the Militia Bill. I have been arguing on the assumption of the advocates of a militia that we want more defences. But I confess I do not see any present danger in any direction—and I have not heard one fact urged that should excite any apprehension. We have had every assurance that could be given that no further measures were necessary. But it has been said we are liable to a war at any time. I don't believe that, and the reason that people have petitioned against a militia is, that they do not believe it likely or practicable that we may have a war at any moment. If hon. Gentlemen would read history, and more especially the details of what took place previous to the ruptures between this country and our nearest neighbour during the last hundred years, they would see that war was not likely to be rushed upon on a sudden. Did the declaration of war in 1793 take place on a sudden? In 1792 we withdrew our ambassador from France when the king was put to death, and we gave notice that the public functions of the French ambassador ceased in this country. But the French ambassador, M. Chauvelin, remained here in his private capacity from August till February, and during that time he made every effort to avert hostilities. Many representatives from France had come here, and had private interviews with Mr. Pitt, and the ambassador was almost forced to leave this country. It was not till six months after our ambassador had left, that the two countries came into actual hostilities. Again, after the Treaty of Amiens, in 1802—a treaty which everybody knew would not last—although there was what was almost tantamount to a declaration of war on the 8th of March, 1803; and although Napoleon went so far as to offer a personal insult to our ambassador, Lord Whitworth, yet Lord Whitworth found it extremely difficult to obtain a passport, and his attaché had to hunt Talleyrand throughout the provinces of France before he could get one; and it was not till the following May that the two countries came into collision. Well, then, was it to be supposed that England would be assailed on the instant, and without any previous preparation? France could view it as no light matter to be brought into collision with a people so brave, so energetic, and possessed of such great resources as the people of England. But then it is said that the present ruler of France is not to be trusted—that he is a man who would disregard all international considerations of policy and justice. Now, whatever may be said of the present ruler of France, if success is to be taken as a test of merit—and I am afraid we are all too much disposed to regard it in that light—Louis Napoleon has shown no want of talent. Whatever may be thought of his moral sentiments, he has shown that he is no blockhead. He has reached the highest post in the State, the people seem to acquiesce in his rule, and he has obtained a larger civil list than the Queen of England. It is all *couleur de rose* with him; and yet we are told that this man is going to depart from all recognised principles of international action, and that he is going to invade our shores. I have a friend in France, whose name, if I quoted it, would be received with respect not only in this House, but throughout Europe. I wrote to him on this subject, to ascertain if he could give any information to confront the most silly panic that ever was known in this country. Here is his answer, comprised in two lines:—"Louis Napoleon, if he made war, must do it through one of his generals. If that general was successful, he would eclipse him; if he was not, he would ruin him." But understand that I am not here asking you to trust the good faith or forbearance of anybody; but I say that Louis Napoleon is not so foolish as to contemplate anything so suicidal as a buccaneering attack on our shores would be. When we hear that he is despatching astute diplomatists to the north and to the south, and that he is everywhere carrying on negotiations to attach persons to his interest and cause, is it to be supposed that at this very time he is going to run his head into a war with England, and that he is going to invade us with some 15,000 or 20,000 men? I have heard it said by the noble Lord the Member for Tiverton (Viscount Palmerston), that it was possible for the present ruler of France to invade this country by sending 50,000 or 60,000 men from Cherbourg in the night. When I hear such statements as that, it accounts sufficiently for all the old statesmen sitting on this side of the House out of office; and I do not wonder that the Earl of Derby should have to seek new "diggings" for fresh veins, and that he should discard the old "placers." Surely it is little less than an insult to the good sense of the country to make such a prediction as that. Will any man say that 60,000 men could be brought to Cherbourg and landed in this country without our having a month's notice of it? I wish we had a Committee sitting on the national defences, and the first thing I would ask the Adjutant General would be what equipment was required to send 60,000 men into a country, and more especially into a country that had a hostile fleet which ruled the seas, and was ready to intercept and cut off all retreat. I should like to ask what cavalry would be required, for I presume that when this army lands here they do not mean to run about and catch horses. I should like to know what amount of artillery and commissariat stores would be requisite. Such a statement as the one to which I have referred is a mockery of the good sense of the people of England; and the people of England, by the public meetings which they held on this subject, and the petitions which they presented to this House, showed that they did not believe in the possibility of such a sudden invasion. But an argument has been used which surprises me greatly; it is to the effect that the application of steam to the purpose of navigation exposes us to invasion. I believe I am to be followed by a Gentleman who has more experience and technical information in these matters than I have, and he will tell you how absurd it is to suppose that the application of steam to navigation has given advantages to the other nations of Europe over us. Why, coal and iron, the chief elements in steam navigation, we possess in greater abundance, and of finer quality, than all the nations of Europe put together. In cotton spinning or manufactures did steam give greater advantages to other countries than to England? If not, why should steam give them greater advantages in its application to navigation. But it is said steamboats would enable an enemy to leave their ports at any time to invade England. But did not steam enable us also to send out our steamboats to the ports of France? Formerly the same wind that blew the French vessels towards our ports, prevented us from meeting those vessels. It was then impossible to sail a line-of-battle ship in the wind's eye; but now, however the wind blows, we can send our vessels to Boulogne or to Cherbourg; and, what is more, they can remain before these ports like a rock, thus hermetically sealing up these ports. When Lord Nelson was blockading Boulogne he was frequently driven away for three weeks together; but that could not occur now with steam vessels. The authorities at the Post Office can tell you how seldom their steam vessels have failed of reaching that port. Now, this gave us a greater advantage than any other country, because we had a far greater steam force, and I have no doubt it increased our defensive power ten times. A Return has just been laid on the table of the House, from which it appears that we are possessed of 1,300 steam vessels. This is a larger number of steam vessels than is possessed by all the nations of Europe put together. And we are now building others, which would give us double as many as all the nations of the Continent of Europe possessed. I could not say the same of sailing vessels, because there are a large number of sailing vessels building in the Baltic ports; but there are no means of constructing steamers in these ports. I will quote to you the evidence of naval men on this subject. Admiral Berkeley, on the 31st of March, 1845, before this absurd discussion arose, says—

> "The Executive Government of England had it in their power, at little or no expense, to have a fleet of steamers equal not only to France, but to the whole world. Let them look at the ports of London, Liverpool, Glasgow, and all our outports, and they would see what a vast number of steamships might in a very short time be made available for the purposes of a steam war."

Admiral Dundas, on the 26th of July, 1844, said—

> "That we possessed 1,000 merchant steamers, 280 of which were large enough to carry 32-pounders, a force which is sufficient to overcome the combined fleet of the rest of the world."

The right hon. Gentleman the Secretary to the Navy under Sir Robert Peel's Administration (Mr. Corry) said—

> "In case of war we were able to command ten times the force of any country on the Continent, and that three months after a declaration of war not one of the merchant vessels could be found at sea."

Do you suppose that the French Government—do you suppose that Louis Napoleon, who resided so long in this country—were ignorant of these facts? Why, France does not possess a single ocean steamer; and my hon. Friend the Member for Orkney (Mr. Anderson) says that we have in our mercantile marine twenty horse power in steam for every one horse power possessed by France; and I believe he has not exaggerated in the least. We are told that this steam navigation has made a bridge over the Channel, and this parrot cry has been taken up, and repeated from one mouth to the other. But I hope that in future we have done for ever with this foolish notion. Well, then, if steam has been of such use to our enemies by sea—an advantage which we share equally with them—how much had railways added to our sense of security in affording us increased facilities for the transmission of troops from one part of the country to another? I have here a few lines from the evidence of Sir Willoughby Gordon, the Quartermaster General, given before the Railway Committee in 1844. The gallant officer on that occasion stated that in the two years from December 31, 1841, to December 31, 1843, there were 130,174 persons—officers—men, women, and children—moved by railroad under his directions in England. Speaking of railways generally, he said—

> "I should say that this mode of railway conveyance has enabled the Army—comparatively to the demands made upon it a very small one—to do the work of a very large one. You send a battalion of 1,000 men from London to Manchester in nine hours—that same battalion, marching, would take seventeen days; and they arrive at the end of nine hours just as fresh, or nearly so, as when they started."

Well, here we have the fact that we are enabled now, by means of railways, to accomplish within the space of nine hours what it took us seventeen days to effect in the time of turnpike roads. Further, we are told that we can transport as large a body of troops as we could assemble in Scotland from Edinburgh to Dover in a few hours; whereas this was formerly not to be done under twenty-four days. Is not this an enormous advantage? And does it not give us an immense control over the army we possess? I am really ashamed to pursue this subject further, and I cannot believe that there is any man—at least no man of common sense and intelligence—who places any confidence in all this talk we have had lately about our defenceless condition. I have proved to you that there is no reason for all this alarm; but I suppose in the minds of some persons, who still believe in protection and such other superstitions, there may be found to exist some fears of a French invasion; but in the circles in which I move—among people of free-trade opinions, I cannot find any one who really imagines that the French are coming to invade us. I really have to beg pardon of the French nation, and of the common sense of this country, for even alluding to such dangers, though I even do so but hypothetically. I myself have not the smallest idea that any such exist more now than they did two years ago, and you are as strong now as you were then. All I will say is, that if you insist on forcing forward this Militia Bill, at all events, first bring home your fleets, and let the people of the country ascertain that the money which has been already laid out has been properly expended, and let the French nation see that it is not the people of England, but the Executive Government of the country that is bent on resisting imaginary dangers. I would beg hon. Gentlemen to consider for one moment the great progress that is being made in these days in wealth, manufactures, and in all the works of ingenuity and art. I do not believe that all we have been hearing in this House about the tendency towards peace is to be put down as claptrap and deception. When I have heard hon. Gentlemen on both sides of the House express their belief in the wonderful advance that has been made in most important investigations—when they talk of the great discoveries of the age, of the electric telegraph, the extraordinary means of intercommunication that we possess—why, I say I believe them to be sincere when they avow their full conviction that the tendency of all these great improvements is towards peace, and not towards war. Sir, because I believe no danger to exist to this country, and because no proofs have been given that we require further defence, I resist the progress of this Bill; and I hope, at all events, that though the Government may not be willing to withdraw their Bill, they will not refuse the returns I am moving for, which will enable the people of this country to judge how far these additional defences are called for.

Mr. ANDERSON, in rising to second the Amendment, begged to assure the House he did so from no factious feelings or party motives. While the hon. Gentlemen opposite sat on the Treasury benches he was quite willing to support them in any good measures which they might propose, while he was equally prepared to oppose all their obnoxious propositions. For this reason he had opposed the second reading of this Bill, as he should have done that of the late Government, as well as the Amendment of the noble Lord the Member for Tiverton (Viscount Palmerston). The House, however, had resolved to consider the Bill, and therefore it was of the utmost importance that they should have the largest possible amount of information before them, to enable them to decide on the requirements of the measure. For that reason, he believed that the returns moved for by his hon. Friend the Member for the West Riding (Mr. Cobden) were highly necessary for the proper consideration of the Bill in Committee. He could not help confessing his surprise at the whole tone of the last debate on this subject. It really seemed to him that they wished to ignore England's being a maritime nation at all. It appeared to him as if this was a Parliament in Poland, meditating in what way an incursion from Russia was to be resisted, quite forgetting that we had a moat around us called the British Channel. Two eminent Members of the House, the noble Lord the Member for Tiverton (Viscount Palmerston), and the Right Hon. Gentleman the Member for North Wilts, and formerly Secretary of the Admiralty (Mr. Sidney Herbert) had taken part in the discussion on the second reading of the Bill; and, without questioning their superior abilities generally, he felt it to be his (Mr. Anderson's) duty to show that they approached a most important part of the question with a surprisingly small amount of practical knowledge of it.

The noble Lord the Member for Tiverton had talked of 60,000 men coming by railway to Cherbourg, and walking from their barracks on board ship, and landing in England, without anything being known about it; but the noble Lord seemed wholly ignorant of one important fact, that there was no railway to Cherbourg, nor did it at all appear likely there would be one. But still, admitting these 60,000 men were at Cherbourg, and could walk on board the ships as the noble Lord had said, but which he (Mr. Anderson) denied, because Cherbourg is a tidal harbour, and it would require several days to embark them, there was yet a want remaining most necessary to facilitate their operations, and that was, ships to walk into. Now, was the noble Lord aware that the whole of the effective steam navy of France (and the House must keep in mind that this is a question exclusively of steam power), would scarcely suffice to embark these 60,000 men, and that three-fourths of that steam navy are usually in the Mediterranean ports, or on distant foreign stations. He (Mr. Anderson) would, however, suppose that France could collect her steam navy from all those distant places at the port of Cherbourg, and there embark the 60,000 men; also that our Admiralty and Government were not in a state of absolute mesmerism all that time—they too would surely be able to collect and station off the port of Cherbourg a tolerably strong squadron of war steamers, putting aside his (Mr. Anderson's) plan of an auxiliary steam navy. Well, having brought the French invasion to this stage of its progress, he would again ask the noble Lord if he was aware that the hundred and odd vessels now supposed to be in Cherbourg roads with these troops on board could not make their exit all at once, but must come out in detachments, and that consequently they could be cut up in detail by a much smaller squadron stationed outside at the entrance of the port, and the whole of it operating simultaneously on the enemy? He (Mr. Anderson) would, however, come to the last naval stage of the operation, and suppose the French expedition arrived off the English coast, and that our steam navy was not totally annihilated. They (the French) would not surely run into Portsmouth harbour, which, he apprehended, they would find rather too hot for a debarcation. They would surely choose some comparatively unprotected part of our coast, where the debarcation must be made in boats; and what our steam navy would be about not to send every boat to the bottom, was entirely beyond his (Mr. Anderson's) comprehension. He would now try to throw some further light upon this matter. First, then, with regard to those terrible steam bridges on which these men were to cross the Channel; he would beg to read to the House a statement of the comparative strength of the English and French steam navy, that respecting the English fleet being taken from the Report of the Committee on the Navy Estimates of 1848, that of France from their official Navy List. In 1848, it appeared that Great Britain had belonging to the Royal Navy, 174 steam vessels of all classes, being of an aggregate of 44,480 horse-power; or, deducting packets, tenders, and yachts, there were 103 steam vessels available for purposes of war; namely, 4 line-of-battle ships, 23 frigates, 48 sloops, and 28 gun-vessels, of an aggregate of 32,327 horse power. By the *Etat Générale de la Marine*, which is the official French Navy List, of the year 1849, the steam navy of France consisted of 78 vessels of all classes, of an aggregate of 17,740 horse power. But, deducting 20 small vessels called avisos, in like manner as is done from the British steam navy, it will leave for purposes of war a French steam navy of only 58 vessels, namely, 17 frigates, 15 corvettes or sloops, and 20 avisos of the first class—answering to what we class as gun vessels—being in all 15,740 horse power. So that at these periods, say about three years since, the British war steam navy was nearly double the number of vessels, and something more than double the steam power, of that of France. He would now make a comparison of the commercial steam navies of the two countries. In the year 1849 an estimate, furnished from the Board of Trade, gave the whole commercial steam shipping of France at 3,000 horse power, and about 10,000 tons, and he believed no great addition had been since made to it. He (Mr. Anderson) stated recently, when he brought forward the question of rendering a part of our commercial steam navy available for the national defence in case of need, that the United Kingdom had about 1,300 steam vessels, of all classes, in its commercial navy, of an aggregate of 300,000 tons, and upwards of 100,000 horse power. He stated that as an approximate estimate.

Since then, a return which he moved for had been printed. It showed that, on the 1st of January last, the registered steam vessels of the United Kingdom amounted to 1,218 vessels; and as he was aware from private, but accurate, sources of information, that there were at least 100 steam vessels in advanced states of construction, or since completed, at the various ports of the kingdom, he considered his statement was fully borne out. He had made an analysis of the return alluded to, that is, of vessels of 200 tons and upwards, which would stand thus:—

VESSELS OF				
200 to 500 tons	... 264	tonnage	86,416	tons
500 ,, 1,000 ,,	... 118	,,	78,461	,,
1,000 ,, 2,000 ,,	... 34	,,	55,013	,,
2,000 ,, 3,000 ,,	... 9	,,	23,155	,,
	425 vessels;		243,045 tons.	

The vessels of four companies, now employed in the Ocean Mail Contract service, and which were under their contracts available for warlike operations, were 70 vessels, amounting, in the aggregate, to 93,421 tons, and 32,500 horse power, being more than double the power of the whole steam navy of France in 1849, and more efficient both for speed and capability of armament. After this statement, he trusted the House would not be at all alarmed at the idea of a bridge of French steamers being built across the Channel. This country possessed such an overwhelming steam power, as would enable us so effectually to blockade every port and creek on the French coast that not a single French soldier would be able to leave port. He would now deal with the statement which was made by the right hon. Gentleman the Member for North Wiltshire (Mr. S. Herbert), and which he (Mr. Anderson) heard with no little astonishment. The right hon. Gentleman, in illustration of the greater security against invasion which we possessed in the days of sailing vessels, than now that steam navigation prevails, stated, that, "it was obvious that before the agency of steam was employed, so long as the wind blew from the west, which it did for three parts of the year, every man who was charged in any degree with the safety of the country could sleep in peace." Now, if the right hon. Gentleman had given himself the trouble to take even a glance at a chart of the British Channel, he would have saved himself from the exhibition of an ex-Secretary of the Admiralty uttering so egregious a fallacy. And he would also tell the right hon. Gentleman, that if he had served in a blockading squadron in the British Channel in the days of sailing vessels, as he (Mr. Anderson) had done, he would have learned by experience, that a westerly wind was of all winds that which was most suitable, and which the French privateers invariably chose, for crossing over to the English coast in search of prizes—and for a good reason. It was to them what is technically called a soldier's wind, and enabled them not only to sail over to the English coast, but also, if they did not like the look of things when they got there, it enabled them to escape by sailing back to their own ports. Now, after this fact, which every naval officer in or out of the House would confirm, he would leave it to the House to decide, whether the nine months' westerly wind of the right hon. ex-Secretary of the Admiralty, in the time of sailing vessels, or the possession, now that the agency of steam is employed, of double the number of war steamers, and twenty times the number of mercantile steamers, to what the French have, formed the best security against invasion, or even privateering. He had also another word before concluding, with the noble Lord the Member for Tiverton. A few evenings since, at the close of the discussion on his (Mr. Anderson's) proposal for forming a reserve steam force out of our commercial steam navy, and after he (Mr. Anderson) had made his reply, and consequently could not answer the noble Lord, he (Viscount Palmerston) rose in his place and expressed a hope that in adopting the plan the Admiralty would exclude ships built of iron, as they were unfit to resist shot. [Admiral Stewart: Hear, hear!] The gallant Admiral near him seemed to concur in the noble Lord's opinion; but he (Mr. Anderson) trusted the present Admiralty would not act on an opinion the accuracy of which had never yet been proved by any sufficient experiment. If they did, he (Mr. Anderson) could tell them they might as well give up at once any expectation of deriving assistance in case of need from our commercial steam navy, because iron has been found to possess so many advantages for the construction of steamers for the mercantile and packet services, that it is now almost universally used for that purpose. A contrary opinion to that of the noble Lord, and one or two members of the late Board of Admiralty, is now so prevalent among naval officers of high standing and great experience, and particularly those who have had actual experience of iron ships in action, that he (Mr. Anderson) should have no fear in resorting to a poll of independent naval officers, to put both the noble Lord and the gallant Admiral in a decided minority on the question of iron ships.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'to enable this House the better to consider the provisions of the Militia Bill, a Return of the Effective Force of the Royal Navy on the 31st day of March last be laid on the table of the House; such Return to contain the following particulars, viz.:

"'First. The Names, Armaments, number of Crews, and Officers of all Her Majesty's ships then employed on active service, the Stations on which they are employed, and the length of time each vessel has been employed on each Station respectively, distinguishing steam vessels from sailing vessels, and also steam vessels propelled by screws from those propelled by paddle wheels, and stating the nominal horse power of the engines of each vessel:

"'Secondly. The same of all reserve or advance Ships, with the ports at which they are now placed, and a Statement of the periods which would be required to send them to sea in a fit state for active service:

"'And that the Consideration of the Bill in Committee be postponed until after the production of such Return,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. STAFFORD said, the hon. Gentleman who had seconded the Amendment seemed animated with a far different spirit from that of the hon. Mover of it; for while the hon. Member for the West Riding (Mr. Cobden) expressed himself dissatisfied with the amount of knowledge in possession of the House with reference to the Navy, the hon. Member for the Orkneys (Mr. Anderson) having got all he wished for in the Return which he had lately obtained, amplified, commented upon, rejoiced at, and refreshed himself with that Return, but made not the slightest allusion to, or expressed the smallest wish for, any further information. Therefore, resisting, as he must, the Motion of the hon. Gentleman, he might strengthen himself by reminding the House that the present Government, in granting that Return, showed no reluctance in giving all it safely could give of the information it possessed. The House must have observed with astonishment, and the public would read with wonder, the amazing nautical lore displayed by the hon. Member for the West Riding, not only with regard to the mercantile marine, but to ships of war, he himself being a Member of the Peace Society. Without official information (of which he stated himself in want), that he should be able to say six ships ought to be taken from one station, nine from another, one ship only left at New Zealand, and that a certain amount was all that was necessary in the Mediterranean, must astonish those who were not aware of the time the hon. Member had given to such congenial studies. Nor was he (Mr. Stafford) wholly without wonder at the different tactics pursued by the hon. Gentleman on this occasion, for while the hon. Gentleman allowed the 44,000 men, with their pay and provisions, to be voted without one single word, the object being to hurry on the estimates without comment, now he seemed to confess he had voted rashly, and brought forward a Motion the sole principle of which was evidently delay. That difference in tactics was unexplained by the hon. Gentleman through the whole course of his oration; and perhaps hon. Gentlemen on that side would tell the House why, and for what purpose, they had changed their course of conduct. The Motion, if of any use at all, was for the purpose of delay; and what delay did the hon. Gentleman propose to inflict? Did he propose to delay the going into Committee upon the Militia Bill until the nine, the six, the three, and the one ship should have been ordered home; or did he propose to waste time until these Returns that were now asked for were prepared? And even then was there any hope that the hon. Gentleman would alter his opinion with regard to this particular measure, to which he had moved so inopportune an Amendment? Were they to suppose that the towns the hon. Gentleman had named would be influenced by these returns; that their opinions on the Militia Bill would be modified; or that, if the Returns were laid before the House, they would tend to diminish the amount of support the measure had met with from representatives not only of those places where, according to the hon. Gentleman, enlightenment never reached, but of as large and important constituencies as those to which the hon. Gentleman had upon this occasion, as upon almost every occasion, narrowed his ken, and confined his attention? But upon the part of a large majority as he (Mr. Stafford) believed of his fellow-subjects, who thought the national security would be increased by the measure, he protested against the system of the hon. Gentleman of explaining away majorities of that House. And he said that those whom that majority represented had as much right to have their opinions respected as the constituencies of the districts to which the hon. Gentleman referred, however large or respectable they might be; and the hon. Gentleman did not hear from this side of the House the abuse of those constituencies which he was so often inclined to heap upon the constituencies which Gentlemen on this side of the House had the honour to represent. The hon. Gentleman said we had spent 6,500,000*l.* in naval defences. If the hon. Gentleman included the packet service, why not have included the scientific branch, which was certainly as useful to the commercial marine as to Her Majesty's Navy? He might as well have lumped in the whole of the Miscellaneous Estimates, as charged the packet service on the defences of the country; and the House would take that statement, that 6,500,000*l.* had been voted for naval defences, which he (Mr. Stafford) entirely denied, as a specimen of the fairness and accuracy which characterised the statements of the hon. Gentleman. The hon. Gentleman had gone through all the foreign stations, and stated correctly the figures he (Mr. Stafford) had used with respect to the number of ships, and where stationed. But no Board of Admiralty would consider themselves tied down to any figure for a station for a single month, without considering the political relations of that station—without considering the communications which every mail brought from the commanders-in-chief at those stations, confidentially relating to subjects which it was best for the national interest should be dealt with by the responsible advisers of the Crown, and which he trusted that House would never require to be divulged. It was upon those considerations, and not upon this or that figure, or upon what Sir George Cockburn said this year, or Nelson did another year, that the tonnage and number of ships at the different stations were to be decided. Take the case of the west coast of Africa. The hon. Gentleman said we ought to keep there as many ships as we were bound to maintain by treaty; but if one or two ships more would effectually prevent the traffic in slaves, which the number required would not, did he mean to say that the inefficient number was to be kept, violating the spirit of the treaties, or what he apprehended was the determined and earnest wish of the people of this country? The number of ships must be governed by the activity or inactivity of the slave trade, and the number of slavers captured. How was it possible to say such a number was sufficient, when every mail which arrived to some extent determined the number and size of the vessels at every station. The hon. Gentlemen said that among shoal waters large vessels were useless. Certainly since the present Board of Admiralty came into office, smaller vessels had been sent out. But one consideration was climate, because it was found that the health of the crews suffered more in smaller than in larger vessels. Did the hon. Gentleman mean to say, when he referred to the affairs of the River Plate, that in the case of General Rosas the English inhabitants were dissatisfied at finding the ships of their country ready to protect them? Far from receiving communications from the commanders at our foreign stations, advising the diminishing the number of ships, almost every communication was in favour of an increase. [*Ironical cheers from the Opposition.*] Yes, hon. Gentlemen opposite might cheer; but if our commanders-in-chief were not to be trusted, recall them and appoint others, and not, by that cheer say they were not to be believed when they spoke with reference to their profession and the exigencies of the service, of which, as men of experience on the spot, they were better judges even than the hon. Member for the West Riding. The hon. Member had referred to our fleet at Rangoon. Did he mean to say that the East India Company objected to the presence of our ships because they had a few ships of their own? Did he consider that if we recalled those ships, the war with Burmah would be more speedily terminated? The hon. Member had referred to 1793, and to the attack of Nelson on Boulogne. But was there such preparation in 1793 for our defence as we now enjoy? It would be found, he thought, that the delay in making war at that time arose from want of preparation. The subsequent part of the speech of the hon. Member destroyed whatever weight it might have otherwise had with the House. The hon. Member said all these things were nothing; steam had entirely changed everything; steam ought to give increased confidence; steam had placed us in a new position; and what our forefathers would not have thought of accomplishing, by land and sea, steam enabled us to accomplish; and he (Mr. Stafford) said that was the true state of the case. When the hon. Gentleman spoke of the facility with which, in our comparatively small island, troops could be moved from one part to the other by the aid of steam, he entirely forgot that, in removing troops and landing them on our shores, steam had given to France far greater advantages than we in our insular position could hope to obtain. If then, as he (Mr. Stafford) with confidence asserted, the peace of Europe had been preserved by the increase of our fleets—if commerce had been protected, and the means of intelligence had been enjoyed—it was in vain to contend that warlike tendencies were increased by the presence of a force, which our enemies, if we had any, would feel compelled to respect. The hon. Gentleman did not wish to have the ships recalled in order to be put in ordinary. The question of expense was not raised. The question here was—ought we not to look to our extended empire abroad, and, with regard to the Mediterranean fleet, decline to forget the necessity of keeping open communication with the East. The Government refused to ignore for one moment the treaties for the suppression of the slave trade. They refused to ignore the vast political relations with the continent of America, and so far they had been able to maintain peace without ordering all the vessels into the Channel, and to protect not only this island but the whole of the British Empire. The returns moved for by the hon. Gentleman (Mr. Cobden) had never yet been granted by any Administration. He (Mr. Stafford) found on searching the precedents of the office with which he was connected, that such a Motion had been brought forward at intervals, probably never so minutely before; but it was always held that to grant such a return would be in the highest degree detrimental to the public service. In refusing it, therefore, he had a right to show, by Returns laid on the table of the House, without question in many cases, that the Board of Admiralty did not wish to conceal any information which they considered right that House should possess; but it was not possible to grant this return unless the House resolved to constitute itself the Board of Admiralty. It was perfectly competent for the House to divide upon any particular number of ships at any particular station, or whether one should be left at a certain station or not; but the responsible advisers of the Crown, seeing that some of these particulars were accessible—some had already been laid on the table, and some nearly official were given in periodical publications—would, as long as the House placed confidence in them, resist the Motion for this Return. Its immediate effect would be to reveal more than any Government had ever thought it prudent to reveal, and to overturn and reverse the whole system of naval management; and that was a course which he was sure that House was not prepared to take. There might be defects in the system. He trusted they would be remedied. There might be improvements desirable. He trusted they would be developed. Under this system they had protected and maintained inviolate the British Empire; and he asked the House not, by consenting to such a vote, moved in such a manner, to show the commanders-in-chief abroad they had no confidence in them, but, by rejecting it, to declare they would support Her Majesty's Ministers, whoever they might be, in refusing information which they might not think it conducive to the public service should be given.

MR. CORRY said, he concurred with the hon. Member (Mr. Cobden) in thinking that the question of the military defence of the country was so interwoven with that of the naval, that it was hardly possible to separate the one from the other; but he did not concur with him in thinking that the House ought to postpone the consideration of the Militia Bill until he had obtained the Returns for which he had moved. There were three reasons why he agreed with his hon. Friend the Secretary of the Admiralty in resisting the Motion. The first was, that the detailed information which was required ought not to be given by the Admiralty. The second was, that if it were given, it would throw very little light on the subject, because all power was relative, and it would be of little use to know the amount of our own force, unaccompanied by a return of the amount of the naval force it might be called upon to resist; and the third was, that there were official sources—the *Navy List*, for example—from which, with a little trouble, the greater and more important part of the information required might be derived. The information, for example, relative to the names and force of our ships, and the number upon the home and foreign stations, might all be obtained from this source. He had taken the trouble of consulting it, and also the French *Navy List*, and "Budget," which contained full information as to the actual force, and the stations of the French Navy; and, as his official apprenticeship at the Admiralty had made him familiar with the subject, he could vouch for the general accuracy of the information he could give the hon. Member on the subject. The House need not be told that the naval resources of England were he had almost said immeasurably greater than those of France. The hon. Member (Mr. Cobden) had quoted a statement of his, that if we had only time given us we might sweep every French ship of war from the seas. But, while we were far more powerful for a sustained effort, after we had time to organise our vast resources, there were circumstances which gave the French navy greater facilities for being made immediately available for the attack, than ours could be for the defence of our shores; and in the question of national defence, everything hinged on that one word "immediate," for we might depend upon it that if an attempt at invasion were ever determined on, it would be executed as secretly and as expeditiously as possible. The circumstance to which he alluded were threefold—namely, the geographical position of France, the distribution of her fleet, and the organised system of manning the whole of her naval reserve which she possessed; while we should find great difficulty in manning our reserved ships for immediate service. The first advantage was the geographical position of France, which rendered the Mediterranean a home station for her fleet, just as much as the waters which washed Cherbourg and Brest close to our own shores. It would take just as many minutes to send a telegraphic despatch from Paris to Toulon, as it would take days to send a message from London to Malta. If the French Government were to send a telegraphic message to Toulon to that effect to-morrow, there was no reason why the whole of the French steam fleet stationed there should not be at Brest in a fortnight. It was true the French had most important communications to maintain in the Mediterranean; but the steam navy of France in the Mediterranean was four times as great as that of England, so that a considerable portion of it might be spared to contribute to any attack that might be contemplated upon our shores, without risking those communications; and as we could derive no countervailing aid from our naval forces in the Mediterranean in anything like so short a time, it was obvious that the geographical positon of France would give her a great advantage over us in this respect. There was another respect, too, in which the French naval force at Toulon might be made to contribute immediately to an attack upon our shores: there were at Toulon seven ships of the line fully manned, and bearing 6,000 men. All French naval writers had agreed that it would be the height of rashness to risk their ships of the line against ours at the commencement of a war; but the remainder of the crews of these ships, after manning the reserve of steam vessels at Toulon, might be sent overland to complete the complements of the reserve of steam vessels at Brest and the other northern ports, and thus, as less than 5,000 men would be required to man the whole steam vessels which the French had in readiness to be commistioned, the whole of the steam reserve of France might be put into immediate activity by means of the complements of the ships of the line on the Toulon station, without the necessity of raising a single man, or making any preparations to awaken the suspicion of their country. But the main advantage was in the distribution of the French navy as compared with that of England. This country had great colonial and mercantile interests to protect, while those of France were comparatively small. The consequence was, that the greater part of the navy of France was on the shores of France, at the command of her Government; while the greater part of the English Navy was on distant stations, and out of our reach in the event of an attempt at invasion. On the 1st of January, 1852, the distribution of the naval force of the two countries was as follows: England had 138 sea-going ships in commission, exclusive of packets—which, in France, were not under the Admiralty—with 33,000 men afloat. The French had 137 ships in commission, and 25,000 men. The English ships upon foreign stations were 108, with 21,000 men; while the French had, including the Levant, only 57 ships abroad, with 7,000 men. England had at home, including the Lisbon squadron, ordered home, only 30, including the ships "fitting" for foreign service ships, with 12,000 men, supposing their complements to be full, while the French had at home, including the Toulon division, and also the ships fitting for foreign service, 80 ships, with 18,000 men. But the real criterion of actual force, was the number of men, and of these the proportion was 33 English to 25 French; but the proportion on foreign stations was as 21 English to 7 French; while at home it was only as 12 English to 18 French. So that while the total force of England was one quarter more than that of France, we had three times as great a force abroad, but only two-thirds as great a force at home. And the House would observe that, with less than double the number of ships, England sent three times the number of seamen to foreign stations. This arose from our sending the greater part of our large ships, sailing and steam vessels, to foreign stations; while the French retained the whole of their larger sailing ships and steamers on the home station. The French had not a single ship of the line, nor a single steam frigate, nor even a first-class steam corvette abroad. The largest steam vessel which France had upon a foreign station was of the second class of corvettes of 220 horse power, of which she had only 6 abroad. England, on the contrary, had 8 ships of the line, and the greater part of her most powerful steam frigates and steam corvettes on foreign stations. France had in commission 2 steam line-of-battle ships, 11 steam frigates, and 19 steam corvettes, making 32 in commission, of the rank of corvette and upwards, of which only 6 corvettes were abroad. England had 3 steam line-of-battle ships, 12 steam frigates, and 28 steam corvettes or sloops as we called them. in commission, giving a total of 43 of the rank of sloop and upwards, of which only 14 were at home, and 29 abroad. Of the latter there were 1 of 800 horse power, 1 of 650, 4 of from 500 to 600, 7 from 400 to 500, 5 from 300 to 400, 11 from 200 to 300 horse power, while, as he had stated, the French had no steam vessel on any foreign station of more than 220 horse power. Considering the distribution of the navies of the two nations with reference to steam only, which was the only arm really important to the question before the House—for an attempt at invasion conducted by steam vessels, could be resisted only by steam vessels—he found the comparative distribution of the steam navies of France and England on the 1st of January to have been as follows: Excluding packets, England had in commission 64 steamers of 18,900 horse power, while France had in commission 77 steamers of 17,500 horse power. Of steamers ready for commission, England had 31 of 10,500 horse power, France had 30 steamers of 8,200 horse power. The total number of steam vessels in commission and ready, was, in England 95, of 29,400 horse power; and in France 107, of 25,700 horse power. But England had abroad 47 steamers of 13,300 horse power, while France had only 21 steamers of 3,000 horse power abroad. England had at home, including the Lisbon squadron, 17 of 5,600 horse power; while France had, including the Toulon division, no less than 56 of 14,400 horse power. France would thus have considerable advantages, according to the present distribution of her steam Navy. But an hon. Gentleman who had spoken in the debate, had dwelt upon the efficiency of the merchant steam navy. No doubt they were exceedingly fine vessels, and many of them might be fitted to carry heavy armaments. But he would ask the hon. Gentleman (Mr. Anderson), if a war broke out, and they took up the North American, the West Indian, the East Indian, and the Mediterranean steam packets for the purposes of warfare, how were they to keep up their communication between England and those parts of the world? These services must be performed in war no less than in peace. He thought, therefore, they could not safely depend on those vessels for the national defence, and that some such additional defence on shore as that which had been proposed by the Government was necessary. The French also, under their maritime system, could man their navy with greater facility than we could man ours, and had a large reserve of sailors, well trained, available to be called upon at any time to serve in the Navy. This was the third of the advantages to which he had referred which France would have over us at the commencement of a war. By the last French registry, after deducting the men serving in the navy and in the merchant service, there were in France 45,000 sailors liable to be required to serve, of whom about one-half had already served a term of four years in the navy; and these last would be required to serve again, and would be sufficient to man the whole of the reserve of ships which France had ready to be put into commission. We, on the contrary, with a registry of 210,000 seamen, would find great difficulty in raising for immediate service the men who would be required to complete the complements of our reserve of ships; which, exclusive of marines, would be about 30,000; and the whole of these men would be untrained to the gunnery exercise, whereas, as he had stated, the French had enough trained men to man the whole of their reserve. Under these circumstances he thought it was obvious that we ought not to trust our national defence exclusively to our Navy, as at present constituted, and therefore he was anxious to support this Bill. If, indeed, the military force in the United Kingdom were as great as had been represented by some hon. Members, he might have concurred with them in thinking the Bill unnecessary; but it appeared to him that his right hon. Friend the Member for South Wiltshire (Mr. Sidney Herbert) had effectually demolished, a few nights ago, the formidable army of 100,000 and of 60,000 men of which they had been told, and had clearly reduced the number to about 20,000 actually available to resist an invading army. The dockyard battalions, the coast guard, and the Royal marines now serving on shore, had been included among our means of military defence; but the whole of the dockyard men would, in the event of war, be imperatively required to bring forward the ships which it would be necessary to commission, and, although valuable for purposes of local defence, could not be spared from the dockyards to take the field. So with the coast guard; they would be required for the protection of the revenue in war no less than in peace, and if they could be spared from that service, they would be appropriated to naval and not to military purposes. In like manner, the marines, which the hon. and gallant Member for Westminster had claimed as an auxiliary to the Army, would be required for the reserve of ships which it would be absolutely necessary to commission in the event of war; and as the fact was that the number of marines now on shore was 3,000 short of the number which would be required to furnish the proportion of marines for these ships, and as it would be necessary to supply this deficiency from the ranks of the Army, instead of the Army borrowing from the marines, the marines would have to borrow from the Army. For these reasons, he thought our military defences ought to be strengthened; and he preferred a militia to an increase of the regular Army, first, because if the latter alternative were to be adopted they would probably be seized with a fit of economy after two or three years, and the Army would be again reduced; and, secondly, because, although in the first instance militiamen might not be fit to be trusted in the field, they could relieve some 30,000 of the regular Army from garrison duty, and thus be the means of setting free for service in the field a larger number of regular troops than any one had proposed as a substitute for a militia. He trusted, however, that no augmentation of our military defences would ever lead the Government to relax in their attention to our naval defences, which should always be considered as the most important to the safety of our shores; and with reference to this, he, in some respects, agreed with the hon. Member for the West Riding of Yorkshire. He certainly thought that an addition might be made to the naval force on the home station, without any detriment to British interests elsewhere, and without any addition to the Estimates, by reducing not so much the number as the force of our vessels abroad; and on many stations he believed small steam vessels of about 200 horse power would be found even more useful than the larger vessels at present employed; and it so happened that in almost all the naval operations since the introduction of steam, the work had been done by the small steamers of light draught of water, while the larger vessels were of comparatively little service. This was the case in China, in the Panama, at Lagos, and would probably be so in the operations which were about to be undertaken against Burmah. He thought this was a subject well worthy of the consideration of the Government, and he never could understand why they should provide so largely for the protection of British interests in all other parts of the world, while they left their own shores comparatively unprotected. In the summer of 1846, when Sir Robert Peel retired from office, there was in the Channel a squadron of evolution, consisting of 18 ships of the line, 1 frigate, and 8 powerful steam vessels; and he would urge on the Go-Government the expediency of maintaining at all times a respectable squadron on the home station. Of all the questions on which the House had to decide, none was more important than that of national defence, for there was no interest which would not be imperilled by an invasion; and he trusted the Government would not be deterred by any opposition from adopting such measures as they might consider necessary to secure the inviolability of our shores.

Mr. S. CARTER said, that if this were the commencement of a new Parliament he should probably have had the discretion to wait some time to acquire experience of the forms of the House before he ventured to address it; but as the Session might, at the discretion of the hon. Gentleman opposite, be but a short one, he might have very few opportunities of addressing the House. He trusted, therefore, that he should not be deemed presumptuous if he availed himself of the present opportunity to give expression to his sentiments on the subject then under discussion. He came there with no studied argument or prepared oration, and for the simple reason, that until he came down to the House that evening, he was totally unaware what the subject for discussion would be. If he understood the Motion of the hon. Member for the West Riding (Mr. Cobden) correctly, it was made with the view of obtaining a return of our naval force, in order that they might bring home as much of that force as would be available for the defence of the country. The Motion was a reply to the arguments of the right hon. Gentleman who had last addressed the House, and who stated that although the naval force of this country was larger than the naval force of France, the distribution was such that while France kept her force at home, England kept her force abroad. If there were too many ships abroad, let them be brought home, and let there be a fair distribution of the force. The hon. Gentleman (Mr. Stafford) had opposed the Motion on the ground that though the returns asked for could be obtained, there was no power of obtaining similar returns from the country to which we were opposed. He quite agreed in this statement, for though the French were admittedly a courteous and polite nation, Louis Napoleon would, in his opinion, be the last man in the world to give such information; but although they could not ascertain the force available to a foreign country, that was no reason why they should not know what force was available to their own. The right hon. Gentleman (Mr. Corry) had said that, as regarded the naval forces of England and France, "the comparison" (to use his own words) "was immeasurably in favour of this country." Surely, therefore, to bring home some of this immeasurable force would be good policy. The observations made by the hon. Gentleman opposite (Mr. Stafford) seemed to contain more of sarcasm than logic: he had expressed his wonder that a member of the Peace party should know so much of naval tactics. It was a kind of argument often adopted by persons pretending to peculiar means of knowledge, arising from professional training or experience. If the question of flogging in the Army and Navy were under discussion, it was not unusual for gallant officers to arrogate to themselves the sole capacity of judging as to the fitness or necessity of such a system, as if no one could form a just estimate of the subject but one who had been bred a soldier. Again, with respect to reforms in the law, this House had not deemed itself unfit to deal with them, because it did not consist merely of lawyers, but had taken up the subject and effected important changes, even to the creation of a new and extensive jurisdiction, as in the case of the recent statutes for the establishment of County Courts; and he (Mr. Carter) thought the House quite justified in so doing, though it might be said with equal propriety by lawyers, You do not understand the subject, and it is dangerous to meddle with what you are not familiar. Now he (Mr. S. Carter) could not see, therefore, why the hon. Member for the West Riding could not exercise his own judgment and strong common sense on this question, and advise that more ships should be brought home, and less kept abroad, simply because he was a Member of the Peace Society. He, for one, rejoiced that, in addressing the House for the first time, he had had an opportunity of lifting up his voice on the side of peace, and against those great and expensive establishments which had been too long maintained in this country.

Captain BOLDERO said, it was very essential that they should know the position of the naval force of the country, which formed the front rank of her defences—a rank which he hoped never to see broken through; but the question which the House was now called upon to discuss was, how they were to have a military force sufficient to check any enemy that might attack them. Everybody was aware that, whenever a Militia Bill should be introduced, it would be certain to meet with considerable opposition, particularly from the hon. Member for the West Riding (Mr. Cobden), and those who acted with him. That party had laid down their political creed, and they acted up to it—they opposed all Estimates, and particularly Estimates for the military defences of the country; but he would do them the justice to say that, if the Bill of the noble Lord the Member for London had ever been permitted to see daylight, they would have opposed it just as strenuously as they did the present measure, and their opposition would have proceeded from honest and sincere convictions. They had been favoured the other night with a speech from the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), which had lasted an hour and a half. [*Cries of* "No, no!"] He had looked at the clock at the time, and was therefore certain of it; and some time after the speech they went to a division, when—to the surprise of the right hon. Gentleman, as he might suppose—the majority in favour of the Bill was nearly two to one. Still, after that majority a Motion was now brought forward, which pretended one thing and meant another. Certain returns were moved for; but if hon. Gentlemen opposite would look at the Navy List, they would find all the information they required—the station of each ship—the names of her commander—the number of her men, and the guns which she carried—in fact all the information which they wanted could be therein obtained without harassing the Government. What was the object, then, of the Motion? There was no use in disguising it; it was neither more nor less than delay. If the hon. Secretary of the Admiralty had consented to give the returns asked for, would hon. Gentlemen opposite have withdrawn their Motion? Not a bit of it; for their only object was to impede the progress of public business; and he must say it came with a very bad grace from the Manchester school, who had been most clamorous for an early dissolution. The right hon. Gentleman (Mr. M. Gibson), in his speech the other night, made some observations which he (Captain Boldero) was unwilling to pass over. The right hon. Gentleman had been particularly hard on the noble Lord opposite (Lord J. Russell), and had accused him of having taken an inconsistent course in introducing a Militia Bill. In order to substantiate that accusation, the right hon. Gentleman had referred to a speech delivered by the noble Lord in 1848, in reply to some observations by the late lamented Sir Robert Peel. The year 1848 was a very important year. At the commencement, all Europe was tranquil; in a month it was all in a blaze. From that speech the right hon. Gentleman drew his own inference, and it was most unjust as regarded the noble Lord. In 1848, Sir Robert Peel said—"He was relieved to find that it was not intended to make any increase in our military or naval force." To that the noble Lord (Lord J. Russell) replied—

> "We have already made that preparation which persons wished us to make. We have, year, after year, been increasing our force, and we are, therefore, in a situation of as great strength as we were required to be, and we have nothing to fear from the sudden outbreak of hostilities, however unexpectedly they may come." [3 *Hansard*, xcvii. 1082.]

But what was the inference which the right hon. Gentleman had drawn from those words? That if, in 1848, the noble Lord did not require an addition to the military or naval forces of the country, he could not with consistency propose a Militia Bill in 1852. The right hon. Gentleman, however, overlooked the point—or he did not know it—or he evaded it—that in 1848 there were 15,000 rank and file more than in 1852; so that well might the noble Lord hesitate in 1848 to call for an increase in the Army and Navy, and yet in 1852 propose a Militia Bill. He (Captain Boldero) was not enamoured of a militia force—he would prefer an addition to the regular Army—but the noble Lord, who was in a position to judge between the two, proposed a Militia Bill, and he would repeat that the noble Lord had evinced no inconsistency in proposing a Militia Bill in 1852, when there were 15,000 less of rank and file than there were in 1848. The right hon. Member for Manchester said the other night that the French were reducing their army; but he (Capt. Boldero) did not find that to be the case, though he believed he derived his information from the same source as the right hon. Gentleman—the French press. It was stated, on the contrary, that they were increasing their naval expenditure by 5,000,000*l.*, and their military expenditure by no less than 13,000,000*l.* [Mr. M. GIBSON: I said the National Guard.] The National Guard had been disbanded for a particular purpose, and was now being reorganised. He observed, also, that the celebrated corps of Chasseurs de Vincennes, now numbering 10,000 men, were to be augmented by 7,000, so as to form a total of 17,000 troops; and in Algeria, in order to supply the losses of men caused by the immense mortality, a local corps of 20,000 men was to be raised, in addition to the force at present there. So that the French forces, instead of being diminished, would be considerably increased. The noble Lord the Member for London, in his speech the other night, had advised the embodiment of 10,000 additional pensioners, and, could this addition to that force be made, it would be a very inexpensive, comparatively, and a very efficient aid. As to the 10,000 militia, whom the noble Lord wished to embody permanently, it appeared to him that it would be far better to add 10,000 men to the regular Army; but, as a collateral force, he quite admitted that a body of, say, 50,000 militiamen, raised by voluntary enlistment, would be very valuable as a nucleus. Let the proposition of the noble Lord be carried out, independently of the Militia Bill. With respect to the present Bill, he agreed in thinking that voluntary enlistment was to be resorted to in preference to the ballot. He would suggest that the period of service should be reduced from five to three years, and the bounty would then be equivalent to 1*s.* a week, which would pay the rent of the poor men's cottages. It was said that those who took the bounty would only be the worst class of society; but it must be remembered that it was by bounty we got our soldiers. Teach them to handle their arms, and we might rely upon it they would never be used for a bad purpose. It was said that there was no immediate danger of invasion, and in that he quite agreed. The apprehensions that existed were referable to the political state of France, which was one of unmitigated despotism, backed by an army of violence. He did not believe that the French President was the man to risk his position by a war against us, but he might lose the command of his troops. It was not necessary that the militiaman should be clad in the same uniform as the soldier of the line; one resembling that of the enrolled pensioners would be very becoming, and would cost only about twenty-five shillings per man. He trusted that no hostile feeling would interrupt the progress of this Bill, but that they would go into Committee on it with a determination to render it as perfect as possible.

MR. BRIGHT said, he could not understand why the hon. Gentleman the Secretary of the Admiralty had taken upon him almost to lecture, or at least to sneer at, his (Mr. Bright's) hon. Friend the Member for the West Riding (Mr. Cobden), on account of the remarkable accuracy of the information which his hon. Friend had obtained as to our naval force. Now, seeing that the hon. Secretary had only been in his office for about six weeks, and was never known previously to be very profound on naval affairs, he conceived that if the hon. Gentleman was competent to take the part of the Government, and maintain their view to-night, he thought his hon. Friend the Member for the West Riding, who had sat for three years on Committees of Inquiry into naval and military affairs, might at least be fairly entitled to lay his views before the House. He rose to maintain the views of his hon. Friend. The hon. Member who had just sat down had represented this Motion as a Motion to cause delay. He (Mr. Bright) denied that; it was a Motion to place before the House and the country existing facts with regard to the means of defence, so that the House might be better able than at present to discuss the propriety of any further expenditure in connexion with military establishments. He maintained that the proposition was one of the most important that could be submitted to them; for it involved this striking fact, that it was intended nearly, if not quite, to double the number of persons in the United Kingdom connected with the profession of arms. And notwithstanding the preamble to the 42nd *Geo.* III., which Act was incorporated with the Bill now before the House, wherein it was stated "whereas a respectable military force under the command of officers possessing landed property within Great Britain is essential to the Constitution," he took the liberty of asserting that military establishments beyond a demonstrated necessity were quite contrary to the Constitution of the country, and were repugnant to the spirit of the representative institutions everywhere. Representative institutions implied a Government based upon the good will of the people; and military establishments to support the Government were unnecessary in a country enjoying such institutions. He would undertake to prove, that a measure like this would be hostile to the industry and freedom of the country; and that, there being no necessity for it, there was not an interest in the country which would not be prejudiced by it. He would view this measure in reference to the principles usually recognised in that House—the principles of expediency and policy; and he would waive for a moment those strong feelings, on this question, which he no doubt entertained, but in which he could not expect many hon. Members would sympathise. He looked back to the past history of the country for facts to guide him in this debate. It appeared to him that we had run such a career of wars and expenditure for warlike preparations, that we had as much experience as any nation on the face of the earth—an experience which should induce caution, and make us hesitate before we took a step which might be unnecessary, mischievous, and difficult to retrace. The right hon. Gentleman the Chancellor of the Exchequer had referred sorrowfully on Friday night to the never-to-be-forgotten 28,000,000*l.* paid yearly to defray the interest of a debt contracted on account of wars which had been pronounced unnecessary and unjustifiable by the noble Lord the Member for the city of London. We had in addition, since the conclusion of the war spent a sum averaging about 15,000,000*l.* yearly on defensive establishments, representing the interest on an additional principal sum of 500,000,000*l.* Thus, after spending 43,000,000*l.* on past wars and preparations for future wars, as many supposed, we were asked by the Government to spend 350,000*l.* more. The 15,000,000*l.* left us in a most insecure and perilous position, but spend 350,000*l.* more, and every man might rest satisfied that England was safe and beyond the reach of harm. This 350,000*l.* was the interest of a principal sum of 12,000,000*l.* more. Now, he trusted the House would bear in mind that every 5*l.*, 10*l.*, 50*l.*, or 100*l.* of unnecessary taxation imposed, would add to the number of paupers and criminals, and ultimately to the amount of discontent; so that this system, if it were not guarded against, might bring the country into the condition of many States of Continental Europe, in which there was no safety for the rulers but in enormous military armaments, and no safety for the people by any system of government that it was possible to construct. If, then, all this was now existing, or had been existing in the past, he had a right to ask the House of Commons calmly to inquire into this case, and to show that there was a case for this proposition. To do so they must show either that there was some new danger, or that there had been discovered some long-existing insecurity, of which Parliament and the country had not been previously aware. Now, with regard to the first point; who defended a Militia Bill? First, there was the noble Lord the Member for the city of London (Lord J. Russell). But he believed that the noble Lord, on further consideration, seeing the hostility in the country to a Militia Bill, though he had not changed his opinion with respect to the propriety of some increased force, was much less confident that the Militia Bill was the proper force, than he was at the opening of the present Session of Parliament. Next, there was the noble Lord the Member for Tiverton (Viscount Palmerston), and the right hon. Gentleman the Secretary of State for the Home Department, who had distinguished themselves by advocating national fears and the resources of a militia defence. But he would ask these same authorities where this new danger was, when they had all dwelt upon our peaceful relations with foreign nations? The hon. and learned Member for Sheffield (Mr. Roebuck) had, said the other night—uncontradicted if not applauded, that the fear was of one country and of one man—of France and of Louis Napoleon. He (Mr. Bright) did not believe in the fear. But he would assume that they had this apprehension; and he would contend that it was a groundless apprehension. They were used to these artificial war panics in this country. There were a set of professional men who were always actively on the look-out to be terrified. Some hon. Members would remember the evidence given by a distinguished officer before one of the Committees upstairs. The gallant officer, determined to prove the danger of an invasion from France, quoted all sorts of authorities in support of his argument, and among other persons quoted a Bishop of Madagascar. Sir Robert Peel had had to give way to this cry all through his Ministerial life; and the noble Lord the Member for the City of London had been a victim to the pressure; and every other Prime Minister would be perpetually finding himself in a similar predicament. Let the House observe that he (Mr. Bright) was in earnest about this matter. It was not a matter with him as it might be with others that the noble Lord was on that (the Opposition) side, and that somebody else was on the other. What he was saying now he would have said, no matter where the noble Lord had been placed; and perhaps, after all, hon. Gentlemen opposite might find that they had fallen into the trap left for them by the noble Lord on this question. He asked, however, for the evidences of the eagerness of the French people for a war with England. He would point to the Government of Louis Philippe, to the Provisional Government under Lamartine, to the Republic, and the National Assembly, and he would ask if anything had occurred under any of those Governments to indicate an essentially anti-English spirit. And since the *coup d'état* of December 2, had there been, under the dictatorship, or as some people called it the usurpation, of Louis Napoleon, anything to indicate that the French people were anxious to pick a quarrel with us? Surely if there had been such a feeling, it must have been manifested. But take another indication; for two months our press maintained an incessant daily fire of accusations not only against the ruler of France, but often against the people of France; and yet although during the whole of that period the French press was entirely at the mercy and under the dictation of the President, no inclination was shown to retaliate, or to create in the minds of the French an antagonistic feeling to this country. The hon. and learned Member for Sheffield alluded particularly to Louis Napoleon. Now, he (Mr. Bright) was not going to defend the dictator of France. Let it be assumed for the sake of argument, that he had manifested a greed of power that it was to be hoped every man there would be ashamed to imitate; that he was cool, reserved, calculating, and unscrupulous; but he reigned with the approval of France, attested by the votes of the majority of the people. If there was one reason more than another why he was tolerated, it was because there was a consciousness in the heart of the people of France that, although no defence could be offered for the means he had taken, still in the results he had produced, and in the system he had organised, was to be found the only security for at least the temporary repose of the country. Of course, therefore, this confidence depended upon a peace policy, and the prestige of Louis Napoleon's Government would immediately disappear upon the slightest suspicion that a piratical and marauding expedition to England was contemplated. There were no proofs of increased armaments being in preparation, and he would suggest to those who were raising this cry, that they were omitting one or two absurdities in their list of bugbears. When the panic reigned in this country in reference to the renowned Napoleon, one of the stories set in circulation was, that on the road leading to Boulogne sign-posts were erected with the words, "The road to England," painted on them. Why had they not got that story now? Now our apprehensions from France rested upon one of two assumptions—either that there would be first war and then invasion, or there would be a piratical and marauding expedition undertaken in a night. Now, in the first case, according to the usages of civilised nations, there must be negotiations and delay to such an extent as to allow some of that immeasurable force of which the right hon. Member for Tyrone (Mr. Corry) had spoken, to be brought into the Channel for the defence of our shores. He thought that every one would therefore admit that on the supposition of a declaration of war, the proposition of a militia force was left without any support. But the noble Lord the Member for Tiverton spoke of 60,000 men coming over here in the night. Now what would Louis Napoleon gain by such a course? for men did not act without motives. Now he had not an exalted opinion of military morality. He did not think that there was any crime which the military of various countries had not been ready to commit in all ages; but there could be no glory, and that was what Frenchmen were supposed to fight for, in such a piratical expedition as this. There could be no hope of the permanent conquest or subjugation of this country. And did the House suppose that Louis Napoleon would be safe in the government of France for one single month after he had taken that step? Would not Russia, Prussia, Austria—every Power in Europe, in fact—be of necessity leagued against France the moment she endeavoured to attack any country, and this probably more than any other? Was it not worth more to the settled Governments of Europe that the steady monarchy, the ancient monarchy, the venerable monarchy, and the established Government of this country should be maintained, than that such a firebrand as Louis Napoleon was said to be should be permitted to rule over the French nation? He had no doubt that self-preservation, if no other motive, would deter Louis Napoleon from such an attempt on the people and Government of this country. Our real guarantees were not in this mongrel military force which it was proposed to raise, but in the opinion of the civilised world, and in the absence of any motive actuating the minds of the French people, or that of the ruler of France, and in the certain ruin that must attend the hopes, prospects, and power of that ruler if he invaded the rights of nations, and broke every clause of international law by any such attempts on this country as were brought forward as the foundation for this Bill. But still there was a vague sense of risk. The noble Lord the Member for Tiverton spoke of 60,000 men—a most incredible statement to be made by a statesman of his experience. But he (Mr. Bright) would assume that such a force escaped our fleet; the regular army might be collected by the electric telegraph, but the militia would be scattered over every parish, and even assuming that they would not run away with the bounty, how long would it take to collect all the weavers, labourers, and mechanics? Why, it would take longer to get them into their clothes than to marshal the regular soldiers at their posts. The fact was, that the advocates of this Bill had no case. There was no special danger of war, and as little of a piratical expedition. In his boyhood, he heard a great deal of the reliance that was to be placed on our "wooden walls;" and we had poets in any number to sing

"Britannia needs no bulwark,
No towers along the steep;
Her path is on the mountain wave,
Her home is on the deep."

Our wooden walls and our Navy were now for a moment forgotten, and the blundering, miserable, undisciplined horde that would be got together by this Militia Bill was that upon which the people of England were told to rely in a time of apprehended and imminent danger. Now, let the House bear in mind that our fleet was enormous, and, as the right hon. Member for Tyrone stated, their Navy was immeasurably greater than that of France, and that there was a far greater number of persons now in the military and naval professions than at any time since the peace. The hon. and gallant Member for Chippenham (Captain Boldero) said that there had been a reduction in 1848. Why, that should be a warning to the Government, for that reduction was made because the country, having become alarmed at the gradually increasing amount of our expenditure, compelled the Government of the noble Lord the Member for the City of London to submit to a reduction which the subsequent course of events had shown to be judicious; and if this Militia Bill were passed, unless a much better case could be made out for it than was made out at present, the country would again compel a reduction in the military expenditure. He believed that if there was really a threat or an imminent and obvious danger of attack, such was the temper of the people that there was not a soldier or a policeman in the Kingdom that might not be placed at the disposal of the Government for the purpose of defending the country, for the people in every town and village would necessarily act as a police. He thought there was nothing more adverse to patriotism, or to statesmanship, than a panic; and yet they were proposing to act in a manner which they would not have dreamt of proposing to do had it not been for the foolish panic that had now nearly subsided. Sometimes a political party traded on a panic; last year the bench of Bishops traded on a panic; and now the military were about to trade on one. It was as old as the time of Tacitus, that after a long peace military science was likely to fall into neglect, and the object of the present vote was to get more money for military expenditure. He would take it upon himself to say that the noble Lord the Member for Tiverton was the father of this Bill; he was for a Militia Bill in 1848; in fact, it was his hobby; and exercising that great influence which he had so long exercised over the noble Lord the Member for the City of London, he dragged him into his views on this question. But why was the noble Lord afraid that these 60,000 men were coming over from that ruler whose extraordinary conduct in December the noble Lord thought it right to applaud? He was not sure that the noble Lord did not even say that the peace of Europe was made safer by the course which Louis Napoleon then took. The noble Lord, however, was no authority with him (Mr. Bright) on this matter. This Militia Bill was no doubt perfectly consistent with his school of politics, for it would liberate troops for foreign service; and the noble Lord appeared to be in favour of universal diplomacy—of incessant interference with other countries; he wished always to have the power, as he seemed always to have the disposition, to cajole or bully some foreign country. The hon. and learned Member for Sheffield, who was his great champion two years ago, called him on one occasion "a lucifer match;" and he supposed this great militia force was requisite as an extinguisher in case some actual act of incendiarism should break out. The country he (Mr. Bright) thought had already paid dearly enough for some of the projects of the noble Lord.

We had now not less than forty or fifty ships stationed between the coast of Africa and Brazil, employed by this country for the destruction of the lives of some thousands of negroes in the transit across the Atlantic; and we had lately heard of a war on the coast of Africa with a savage chief of that country. The noble Lord (Viscount Palmerston) saying, as he did, so little for freedom at home, and doing so much for it abroad, reminded him of a character in Mr. Dickens's new work—he thought the noble Lord might truly be called the Mrs. Jellaby of statesmen. He opposed this Bill because no case of urgent necessity had been made out for it. Their military men differed on everything connected with the Bill except one thing; and that was, they all agreed that the proposed militia would be useless for the purposes of defence. They were discussing this question, not so much as a matter of fact, as a matter of impression and of sentiment; and all the arguments they now urged for this Bill would be quite as plausible next Session (even if they acceded to this proposition) for a still further increase of our forces. He would take the liberty to address an argument to the right hon. Home Secretary that he had no doubt the right hon. Gentleman could appreciate. There was no person who recollected the militia of fifty years ago, but would tell them that almost every person connected with the militia force of that period was ruined in his moral character and in his industry. ["Oh, oh!"] When he was speaking to the Christian representatives of a Christian country on a subject of this nature, relating to a further expenditure on armaments, he should expect at least that these reasons should be fairly considered. The hon. and learned Member for Sheffield took upon him to sneer at what he called "the Peace party"—he received, what he appeared to court, the cheers of the other side of the House. A peace party would last longer than a war party; and if they endeavoured to introduce into statesmanship and legislation some principles of morality, they could afford to be sneered at, Was it not a lamentable thing that although three or four thousand years had passed since those sculptured marbles were first wrought which were to be seen at the British Museum at this very moment, after eighteen hundred years of Christianity in Europe, and most of that period in this country, we were engaged, and not engaged reluctantly, but many of us as though it were our sole hope and occupation—in precisely that state of things portrayed on those ancient monuments—armed men, horses, chariots, processions, armaments, battles, and captives!—aye, and there were priests now who blessed banners, like the Assyrians, and who offered up thanksgivings to God for slaughter. Why, they reminded him of the tyrant Emperor of the East, who was said by the historians to have impoverished his people by taking their cattle and offering them in unavailing sacrifices. They offered them no case, but for an imaginary and most remote danger they proposed for the people a real and substantial evil. It was because he saw no need for an increased force, and no utility in it if it were raised under this Bill—because he considered it was a measure which the Members of the Government themselves did not really believe to be called for, and which was opposed to the feelings of all the great constituencies of the country, and could not, he believed, be worked even if they passed it, although he might be sneered at for belonging to the Peace party, he should resolutely and uncompromisingly give his vote at every stage against it.

MR. WHITESIDE said, he wished to address the House for a few minutes in reference to the speeches of the hon. Member for the West Riding (Mr. Cobden), and of the hon. Gentleman the Member for Manchester (Mr. Bright): and he felt he ought to apologise for so doing, as he did not happen to come from that centre of intelligence referred to by the hon. Member for the West Riding. It was, however, some consolation to reflect that the hon. Gentleman and the hon. Member for Manchester would occasionally descend from their high position to illuminate and instruct other Members who moved in a humbler sphere. Since he had had a seat in that House, he had learned much useful information from the hon. Member for the West Riding. To-night that hon. Member had informed the House that every ship in our Navy was in the wrong place; and the hon. Gentleman (Mr. Bright) stated that every eminent statesman in the House was wrong in his opinion. The hon. Member for the West Riding had observed on the impropriety of interfering with other nations, or of commenting on their conduct in the administration of their affairs; but had there been any man more unsparing in his denunciations of other countries than the hon. Gentleman himself, when he thought the Governments of those countries unjust and tyrannical; and had he not to-night alluded to those whom he pronounced to be deliverers of oppressed people? The hon. Gentleman's mode of proceeding appeared to be, first by his own language and conduct to irritate foreign nations, and then to declaim against every Government that attempted to provide for the defence of the country. The hon. Gentleman had told the House, and perhaps truly, that there was no danger to this country except from France, and he said that France was satisfied with its ruler. That might be so; the French people had a right to pursue happiness as they thought fit, and, in search after a Government, they had shown a remarkable impartiality, because within the last few years they had tried every form of government to be found in ancient or modern times. But it should be borne in mind that when Mr. Pitt was called on to explain why, when he maintained peace with France, he introduced a Militia Bill, he replied that France was essentially a military Power, and that the military power of that nation was centred in one man. Such was Mr. Pitt's answer, and, it satisfied those who had opposed him, and without a dissentient voice, and with the eulogium of Mr. Sheridan, the Militia Bill of 1802 was passed. The hon. Member for the West Riding next adverted to public meetings and to public opinion, which he said, condemned the nonsense talked in that House. Was that a constitutional argument to address to that assembly? The hon. Gentleman misunderstood the theory of our Constitution. Matters of legislation and government were not matters of will; and it was not the opinion of his constituents alone, however respectable, but truth and justice, which an hon. Member should use in argument in that House. It was no argument to say that the superstition which was believed in that House was believed nowhere else; for if that were to prevail, the House must yield up its opinion to that of the masses, whom the hon. Member described as the country, and then our mixed Government would be converted into a pure and absolute democracy. The hon. Member said there were no symptoms of war, and he asked what facts warranted the House in passing the present Bill? His argument amounted to this, if to anything—You have, or ought to have, a powerful Navy, skilfully commanded, and manned by brave men, and, with all that, show me the danger. That was a fair question; but, in reply to it, he would refer the hon. Member to what Mr. Pitt said in answer to Mr. Whitbread, who asked how it happened that the French fleet had, eluding our cruisers, sailed from Brest and reached the shores of Ireland, where it was dispersed by a tempest? Mr. Pitt replied that a fog enabled the French fleet to pass from Brest, and that it got to the coast of Ireland before it could be intercepted. If that armament had landed on the coast of Ireland, that country would have been torn from the British empire, only to be reconquered at the expense of millions of treasure and torrents of blood. But was that the only example of the possibility of invasion? How did it happen that Napper Tandy and other rebels effected a landing on the coast of Ireland, or that part of a French fleet sailed safely into the Bay of Killala, and landed soldiers who won a battle? These facts were to be found in history; but the hon. Gentleman did not pay much regard to facts or to history, when either the one or the other conflicted with the opinions he entertained. He (Mr. Whiteside) was struck with the injustice of the hon. Gentleman's argument. The opinion of the noble Lord (Lord John Russell) went for nothing; the opinion of the noble Member for Tiverton (Viscount Palmerston) was worse than nothing; the opinions of the statesmen who sat on that (the Ministerial) side of the House were good for nothing; and upon what ground? They had conducted difficult and delicate negotiations; they knew the truth, and he believed they had spoken the truth. When questions of trade and commerce were debated in that House, he heard one name mentioned by hon. Gentlemen opposite which put a *quietus* upon every argument. It was not the name of Chatham, or of Burke; it was the name of Peel. If, then, that name was the great authority to which hon. Gentlemen opposite appealed, he might remind them that the right hon. Member for South Wiltshire (Mr. S. Herbert) had informed the House that that eminent statesman suggested to him the propriety of preparing a Bill for consolidating the Militia Laws, and making them available for practical use. That ought to silence the hon. Member for the West Riding. The great authority to which the hon. Gentleman looked up had pronounced against him; and, as Sir Robert Peel grasped the knowledge and business of the age, his opinion was not only valuable on questions of finance, but upon every subject on which he brought his mind to bear. The hon. Member for Manchester (Mr. Bright) had contended that the militia was unconstitutional; that it was unconstitutional and dangerous to have an armed force under a representative form of government. Where did the hon. Gentleman find that a militia was an unconstitutional force? It had existed in this country not merely, as had been said the other night, from the reigns of Charles I. and Charles II., but since the time of Alfred. It was a force known to the Constitution; it was maintained by Chatham in 1756, and had been recognised in every period of English history.

MR. BRIGHT said, the hon. and learned Gentleman had misunderstood him. He did not say that the militia or an armed force was unconstitutional, but that the existence of a military force was contrary to the spirit of representative institutions, and that any military force beyond that which could be demonstrated to be absolutely necessary was antagonistic to the Constitution.

MR. WHITESIDE: Well, who was to pronounce upon that subject? Who was to decide upon the necessity of an addition to the armed force of the country? Was it the triumphant majority of that House which had already pronounced an opinion? or was the minority, however respectable, however influential, still at liberty to insist that the measure was unconstitutional, when the question had been settled by the only tribunal known to the Constitution? It was asserted by the hon. Gentleman that the militia was an expensive force. True, it was expensive; but what was so expensive—what so dangerous to industry —as invasion or revolution? What was more necessary to enable the works of industry to prosper, than the preservation of a country in tranquillity and peace? And was not every apprehension of war or invasion almost as injurious—indeed, he might quote Tacitus to prove it—as war itself? The hon. Gentleman had said that the danger was altogether visionary, and that if there were danger, it could not arise from anything that had taken place in France. Now, he (Mr. Whiteside) did not desire to imitate the language he had heard in that House, or to say one disrespectful word of the ruler of France. He respected every form of government that existed, provided it was conducted upon principles of justice; but whenever a Government was not conducted according to principles of justice, though that fact might afford no ground for going to war with such Government, it was still a just ground of apprehension and danger. When he heard the hon. Gentleman speak of the people of France, he might ask what power had the people of France? What just expression of their legitimate opinion could be obtained which might operate on the mind of their ruler? Did not the observation of Mr. Pitt apply, that in France a vast military power was centred in one man? The hon. Gentleman had further said that a militia demoralised, corrupted, and destroyed a community. Did the hon. Gentleman mean to say that the use of arms corrupted men? If the hon. Member had read the history of ancient and modern times, he must be convinced that in every age of the world arms and agriculture had been the strength and glory of nations. Did the hon. Gentleman mean to say that the Swiss artisans, when they threw down their tools and took up their muskets, did not fight? Did he mean to say that the Swiss ploughman, or that the Tyrolese peasant, who was systematically drilled throughout the year, did not fight? And did the hon. Gentleman mean to say that the militia of this country, if they were called out, would not fight? He (Mr. Whiteside) had then with him a letter from Sir John Moore—a somewhat better authority than the hon. Gentleman—dated in 1803, in which that gallant officer pronounced a high eulogium upon the militia force he had inspected at Dover. But there was no use in quoting authorities to some men. An hon. Gentleman opposite had, he believed, on a former occasion, spoken of a letter of the Duke of Wellington on the subject of our national defences, as a composition more worthy of Mother Shipton. Why, the same mind might dispute and deny the genius of Shakspeare. The hon. Member for Manchester had criticised the conduct of the press in reference to France and its ruler. He (Mr. Whiteside) admitted that the press of England had spoken out freely and boldly, and he believed it would continue to do so. That press was powerful and respected, because it raised a fearless and independent voice, and he had no doubt it would continue to denounce the usurpations of despotic power, and to proclaim the wrongs of suffering virtue. But there might be danger from that fact; indeed, there was danger in the free institutions of this country; and he considered that the very fact of the existence of free institutions in England, and the destruction of free institutions in other countries, justified a Government in establishing a militia. And why a militia? Because it was defensive; because it was only intended for protection, and could not be regarded as an insult to any foreign Power. It was a force solely and simply for self-defence. He agreed with the hon. Member for the West Riding that this country had nothing to gain from war, but they might have everything to lose. If there was glory in war, of that this country had had enough; they could not excel their naval victories, nor surpass the splendour of their military triumphs. He admitted that it was more consistent with the habits and the good sense of the people of this Empire to cultivate the useful arts of peace. But this measure was peaceful; it was intended to maintain peace, to preserve the Constitution under which they lived, and to transmit to their posterity the incalculable blessings which they themselves enjoyed.

Mr. RICE said, he was prepared to deny that the authorities quoted by the hon. and learned Gentleman who had just sat down were any authorities at all for the position which he took with regard to the militia. First, the militia erected by Mr. Pitt was a regular militia. Then, as to the authority of the Duke of Wellington, the letter which had been referred to contained a recommendation for a militia raised in war, and which was a regular militia. With respect to the militia reviewed by Sir John Moore, he (Mr. Rice) had witnessed that review, and he maintained that there never was a finer force; but it certainly bore no resemblance to the force that would be raised under the Government measure. His principal object in rising, however, was to appeal to the hon. Member for the West Riding not to divide the House. If he did so, he (Mr. Rice), for one, could not vote for his Motion. He had voted against the second reading of the Bill, but it was because he believed that the militia proposed to be raised would be perfectly inefficient, and because he objected to the compulsory clauses contained in the Bill.

Mr. MACGREGOR moved the adjournment of the debate.

Mr. MITCHELL seconded the Motion.

The CHANCELLOR of the EXCHEQUER said, it appeared to him that this question had been amply debated, and if there should be one or two Gentlemen who wished to express their opinions to the House, he was sure that the House would hear them. He hoped they might divide upon the Amendment of the hon. Member for the West Riding; but if the hon. Member (Mr. Macgregor) should persist in pressing his Motion for an adjournment, he (the Chancellor of the Exchequer) should be under the painful necessity of opposing it.

Mr. MILNER GIBSON hoped that the right hon. Gentleman would reconsider his determination. When the Government put up the Irish Solicitor General to make a declamatory speech on a subject not relating to Ireland, he (Mr. M. Gibson) did not think that it was intended to press for a division that night.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 68; Noes 291: Majority 223.

Question again proposed.

Captain SCOBELL moved the adjournment of the House.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

The CHANCELLOR of the EXCHEQUER said, that was a Motion which, under any circumstances, he would feel bound to oppose, because it would not only ensure the adjournment of the debate, but stop the progress of the business altogether. He therefore must take the opinion of the House upon it.

Mr. MITCHELL did not think that so grave a question as the Militia Bill had been sufficiently discussed.

Mr. WAKLEY thought the right hon. the Chancellor of the Exchequer could not mean to say, that they should expedite the progress of a Bill from which they conscientiously dissented. The Bill was most unpopular out of doors, and he (Mr. Wakley) should feel it to be his duty to obstruct it in every way in his power at every stage. He wished to see the Bill defeated, because he conceived it was an unconstitutional and prejudicial measure.

The Marquess of GRANBY said, that if hon. Gentlemen opposite would obstruct the progress of business, let them not say in future that they were anxious for an early and immediate dissolution.

Mr. BRIGHT was quite sure, if the right hon. Gentleman consented to the adjournment of the debate, the hon. and gallant Member (Captain Scobell) would withdraw his Motion for the adjournment of the House.

Mr. CLAY said, that the hon. Gentleman who had moved the adjournment of the House, had three or four times endeavoured to catch the Speaker's eye, and no doubt he would withdraw his Motion, if the debate were adjourned. He (Mr. Clay) was not open to the charge of having lost his anxiety for expediting public business, because he was so anxious for a dissolution of Parliament, that he was strongly of opinion that they should not pass the measure before the dissolution, but take the opinion of the country upon it. The people were desirous to express their opinions, as appeared from the multitude of petitions that were pouring in respecting it.

Lord JOHN RUSSELL said, he was one of those who had voted against the adjournment of the debate; but hearing so many Gentlemen saying they wished to express their opinions, he did not think that anything would be gained by a further division upon it. The Bill was now in the position that it could be taken continuously; and he thought the right hon. Gentleman might agree to the adjournment of the debate to the next day, or some future day.

The CHANCELLOR of the EXCHEQUER was ready to consent to the adjournment of the debate to the following day, if the Gentlemen who had notices of Motion on the paper would allow it to take precedence.

Motion, by leave, *withdrawn*:—Debate *adjourned* till To-morrow.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 4, 1852.

Minutes.] Public Bills. — 1ª Disabilities Repeal.
2ª Colonial Bishops.

COLONIAL BISHOPS BILL.

The Archbishop of CANTERBURY: My Lords, on moving the Second Reading of the Colonial Bishops Bill, it is right that I should briefly state to your Lordships the object which it has in view, especially as it might be supposed from the title to have reference to an important subject which must, at some not very distant time, be brought under your Lordships' consideration—I mean the ecclesiastical government of our Colonies. The present Bill, however, is merely of a technical nature, and is intended to remove an inconvenience which was not contemplated when the Act was passed for creating the sees of Madras and Bombay. By that Act, 3 & 4 *Wil.* IV. c. 85 sec. 92, it was enacted that the Bishops of Madras and Bombay shall not "have or use any jurisdiction, or exercise any episcopal functions whatsoever, except as limited to them respectively in the letters patent by which they were created." Then, further, by the 59 *Geo.* III., c. 60, and 3 & 4 *Vict.*, c. 33, it was enacted, "that no person ordained by a Colonial Bishop not at the time possessing episcopal jurisdiction should be capable of officiating as a minister of the Established Church." Now, it is unquestionably proper that a Bishop should not exercise Jurisdiction beyond the limits of the see to which he is appointed; but there is no reason why he should not exercise Episcopal Functions, as our Bishops at home are constantly doing, by commission from their brethren. This, however, the Colonial Bishops cannot at present do, by the letter of the statute, without subjecting themselves to the penalty of misdemeanour. The object of the present Bill is solely to remove this inconvenience, and to allow a Colonial Bishop who may have retired from his diocese, or who may be temporarily sojourning in another diocese, to assist his brethren without violating the law, or performing an act which shall be invalid. This, my Lords, is the purport of the Bill to which I have now to request your Lordships to give a second reading.

After a few words from the Earl of Desart,

The Bishop of LONDON expressed his approval of the Bill, and briefly alluded to an apprehension which had been suggested, that the Colonial Bishops might take advantage of this amendment of the law as a pretext for returning home.

Bill read 2ª.

CASE OF MR. SALOMONS—DISABILITIES REPEAL BILL.

Lord LYNDHURST rose to call the attention of their Lordships for a few moments to certain disabilities imposed by the statute 1 *Geo.* I., cap. 13. Some of their Lordships would perhaps recollect, that when he was last in office he introduced a Bill to repeal several penal Acts which stood on the Statute-book, but which could not be enforced on account of their severity, and of their being at variance with the feelings and opinions of the present times. In the same spirit and on the same principles he now submitted to their Lordships that they ought to review the disabilities imposed by the Act to which he had just referred. Their Lordships were aware, that by that Act any person who takes his seat in Parliament, and gives a vote on any question, without having previously taken the oath required by that Act, which was subsequently altered in one particular clause, was rendered liable not only to very severe penalties—first of all to a penalty of 500*l.*, and next to a similar penalty of the same amount on every subsequent offence of the same kind; but also, in addition to these penalties, to several disqualifications of the most severe and serious description, to which he should presently direct their attention. He had no intention of suggesting at present any alteration of the pecuniary penalties inflicted by that statute. Those penalties were of an accumulative character; and as they were renewed for every separate offence, he considered them to be a sufficient security against the repetition of the offences against which the Act was directed. If so, then these severe disqualifications were unnecessary, and, if unnecessary, were unjust, impolitic, and ought to be repealed. He would in a few words state the nature of those disqualifications, for he was sure such a statement would lead their Lordships to concur in his proposition for a repeal of them. Any person offending against this Act, besides the pecuniary penalties to which he was liable, was disqualified from maintaining an action at common law or a suit in equity. Whatever grievance he might suffer either in his person or in his property, he was left entirely without remedy. Any property belonging to him in the possession of another, might be withheld from him, and any property in his own possession might be taken from him with impunity. No court of law, no influence of Government, nothing but the intervention of Parliament, could give him redress. Now, he was sure their Lordships would agree with him that disqualifications so severe and so independent of all ordinary authority in this country, ought not to be continued in the present day, except it was shown that they were absolutely necessary. In the next place, a person in this position could not act as guardian to an infant, however important it might be in a moral or a physical point of view that the infant should experience his care, attention, and protection. In the third place, a party offending against this Act of Parliament could not receive a legacy from any deceased friend or from any other person. He could not receive a deed of gift of any property whatever. Further, he could not be either the executor or administrator of any person whatever. He was also rendered incapable of holding any office, or of giving a vote at any election. In point of fact, the disqualifications were so severe, that he hoped they would induce their Lordships to adopt the suggestion which he was about to make. Indeed, they had been recently described by one of the Judges in the Court of Exchequer as being of such fearful severity as to place the party offending almost in the position of an outlaw. It was after due consideration of these disqualifications and of their severity that he had come to the determination of advising their Lordships to repeal them. His attention had been directed to them by a recent decision in the Court of Exchequer; and he proposed not only that those disqualifications be repealed, but that the individual who was recently declared by that Court to have incurred them, should be included by name in the Bill for their repeal. He begged to state that he had had no communication with that individual, nor, indeed, with any other person on this subject, until he came down to the House that evening. It might be said, that with respect to that Gentleman, his act was wilful and deliberate; that he knew the consequences of it; and that he ought not to complain of the severity of a punishment brought on him by his own rashness and want of care. But such of their Lordships as were acquainted with the facts of that case, must have seen that his sole object, after the various discussions on the subject in the House of Commons, was to place his case in such a position that it might be brought before a legal tribunal, for the purpose of obtaining the opinion of a court of law thereon; and he thought that if their Lordships referred to the decision of the Court of Exchequer, they would be satisfied that that was his sole object, and that he had conducted himself throughout with as much propriety and decorum as was possible, consistently with the object he had in view. It had not been said that the course which he had taken was either frivolous or vexatious—nor could anything of that kind well be said; for when his case was in the House of Commons, some lawyers of the highest learning and eminence had expressed themselves decisively in favour of his right; and when it was before the Court of Exchequer, one of the Judges, a magistrate of great eminence and learning, had given his judgment in favour of the defendant. Under such circumstances, then, their Lordships might think it not improper to include this Gentleman in the provisions of a Bill for the repeal of the disqualifications. Independently, however, of that case, and acting solely upon the consideration of the general question, he (Lord Lyndhurst) had prepared a short Bill on this subject, and, if he were encouraged by the voice of their Lordships, would lay it upon the table, and hope for their concurrence in a measure of this charitable description.

Bill to repeal certain Disabilities imposed by the First of George the First, chapter 13, *presented.*

LORD CAMPBELL heartily rejoiced at finding his noble and learned Friend placing such a Bill on the table. It was a Bill which reflected great credit on his noble and learned Friend; and it came gracefully from him, who had on other occasions brought forward other Bills of great liberality for the relief of members of the Jewish persuasion from legal disabilities. There was no doubt that the disqualifications to which his noble and learned Friend had referred, were a discredit to the age in which we lived; they were the remnants of the barbarous prejudices of former times, in which the man who had incurred the penalties of a *præmunire* carried about with him a *caput lupinum,* and might be knocked on the head with impunity. The pecuniary penalties, according to his noble and learned Friend's proposition, were still to remain; and, therefore, if the Jews were to be excluded from Parliament, these disqualifications were unnecessary, as the penalties would be sufficient to prevent a repetition of the offence. He only regretted that his noble and learned Friend had not gone further than he had done in his proposition, and had not included in his Bill provisions to enable persons of the Jewish persuasion, when elected to represent the people, to take their seats in Parliament. That would have been the crowning glory of his noble and learned Friend's career; and he trusted that having attained within a step of that eminence, his name might yet go down to posterity as the emancipator of the Jews.

The EARL of DERBY: I hope the example set by the noble and learned Lord opposite (Lord Campbell) will not lead your Lordships to deviate from the real question under consideration into a discussion on the general merits of the question of the admission of the Jews to Parliament. The noble and learned Lord has spoken of this measure as if it had been brought forward as a Bill specially and exclusively confined to the case of the Jews. But it is no such thing. It is quite true that the occasion which probably suggested this alteration of the law to my noble and learned Friend (Lord Lyndhurst), is the case that has arisen relating to a Gentleman of the Jewish persuasion, who, under a misapprehension of his legal rights, attempted to take his seat in Parliament without taking the oaths prescribed by law. But the existing penalties are by no means applicable exclusively to Jews, but to all persons who, without taking the necessary oaths, presume to take their seats and vote in either branch of the Legislature. The remedy of my noble and learned Friend, therefore, although prompted by a special case, goes generally to the removal of these disabilities, and is not confined to the narrow object which the noble and learned Lord opposite seems to suppose. I am quite ready to acknowledge that where penalties are extravagantly severe, their tendency is in most cases to defeat themselves; and I cannot deny that the penalties attached to this specific Act, involving all the consequences that have been stated, and which can only be averted by the intervention of the supreme authority of Parliament, appear to be at variance with the character of the penal legislation of this day, and to be altogether disproportionate to the offence—which, by the way, is not a slight offence, namely, that of presuming to sit in Parliament without the proper qualification. Nor am I prepared to say that the pecuniary penalties which my noble and learned Friend proposes to leave untouched, would not afford sufficient protection against the commission of the offence; because this pecuniary penalty does not attach to a single offence, but attaches to every separate vote given either in this or the other House—thus throwing around the law the shield of a very severe and heavy punishment where its violation may be persevered in. At the same time, I think there is always some inconvenience in discussing general principles arising out of a particular case. Although I do not complain of my noble and learned Friend for introducing a

Bill based on general grounds—for I am sure that no more fitting person could be found to discharge such a task—still, I think it is a little unfortunate that the subject should be brought under discussion at the very moment when the question to which the Bill refers has not been settled, but is now actually pending. And as the noble and learned Lord has adverted to this specific case, I think it right to state what has occurred with regard to it, in order to show the views that have been entertained with respect to it by Her Majesty's Government. About a week ago I received an intimation from the Gentleman to whom reference has been made (Mr. Salomons), requesting the Government forthwith to bring in an Act of Indemnity setting him free from the whole of the penalties except those of a pecuniary nature; that is, from all the penalties which the present Bill is designed to do away with. I stated that it was a subject on which I could not give a hasty answer—that it was necessary I should bring it under the consideration of my Colleagues. We did take it into consideration, and by their direction I made a communication to that Gentleman to the effect that, before bringing in any Act of Indemnity, I thought it very desirable to know if the question was to be taken as being definitely settled by the judgment of the Court of Exchequer. The answer I received complained of the apparent restriction that was sought to be put upon the Act of Indemnity, but still prayed for the introduction by the Government of an Act of Indemnity for his particular case. I have not the correspondence now by me, but I am quite sure I am accurately stating the substance of it when I say that the answer of the Government was to this effect, that, looking to the circumstance that the question was raised partly for the determination of a point of law, and also that the Court to which it was referred was not unanimous, and consequently that the proceedings could not be considered as frivolous on the part of the person who, I will not say referred the question to the Court, but in consequence of whose conduct it came before the Court, that Her Majesty's Government were of opinion that, on the case being closed, that Gentleman would be fairly entitled, upon a representation of his case to Parliament, to an Act of Indemnity; but at the same time that we were of opinion—and I do not think the proposition was an unreasonable one—that some steps should be taken by the party who alleged himself to be aggrieved, such as the laying his case before Parliament, and praying it by petition to pass an Act that would absolve him from the penalties to which he had subjected himself. But there stood this other difficulty in the way, that there still remained an appeal from the jurisdiction of the Court below to the Judges of the Exchequer Chamber; and, again, that a further appeal might thence be carried to your Lordships' House. We therefore felt that there would be some difficulty in introducing an Act of Indemnity to protect a person from consequences that had not accrued, but only might accrue; and that until the question of law was decided either by his abandoning all further appeal, or by the appeal going against him, there would be no sufficient ground for bringing in a Bill to avert consequences from him that might never really attach: for in the event of his appealing, and the judgment already given being set aside, then *cadit questio*, and no indemnity would be necessary. And although, on the other hand, it is quite true that from the moment that the original judgment of the Court of Exchequer is entered up, the penal consequences would accrue, yet they would be held in abeyance, and not capable of being put in force till the final judgment of the Court above had been pronounced. For these reasons, looking at the general question, and not merely to the specific case to which my noble and learned Friend has adverted, the Government were of opinion, that if the defendant presented a petition to Parliament, stating grievances that had actually devolved upon him, and not grievances which he contemplated on the possibility of an adverse decision, under the circumstances he would be entitled to an Act of Indemnity. But I hope your Lordships will not think—I am sure nothing was farther from the wish of Her Majesty's Government—that we have shown any indisposition to listen to the fair case of the claimant, if we have required in the first place that the indemnity asked for should not be against a merely contingent, but against an actual evil; and further, that, if an Act of Indemnity is to be passed, that it should be introduced upon the ground of an application to Parliament on the part of the individual in consequence of whose act the apprehended consequences have arisen, and who, in the event of the existing law being allowed to take its course, would be liable to suffer. I have thought it convenient, my Lords—as the noble and learned Lord has referred to this particular case—to state the course which has been pursued by Her Majesty's Government with regard to it. I offer no opposition whatever, as a general measure, to the Bill which he now proposes to lay upon your Lordships' table; and I think that the pecuniary penalties attaching to the offence in question will probably be sufficient to prevent its repetition, or at all events, if there should be a repetition, that they will form a sufficient punishment.

LORD LYNDHURST observed, that he had had no communication with Mr. Salomons on this subject. His Bill was entirely a general measure; though no doubt it was true that it was the hardship of the punishment inflicted upon that Gentleman for having voted in Parliament without taking the oaths that had induced him to bring it forward.

The MARQUESS of LANSDOWNE hoped that, notwithstanding the observations of the noble Earl at the head of the Government, the noble and learned Lord (Lord Lyndhurst) would not postpone this measure, but would bring it forward at once, independently of allusions to the case of Mr. Salomons. That case involved two descriptions of penalties. One of them comprised pecuniary penalties, which would still impend over the heads of all offenders against the statute of George I. notwithstanding this Bill. The other comprised disqualifications which were objectionable in themselves, which it was barbarous to retain, and which, it was a matter of astonishment to all, should still be allowed to disfigure our Statute-book. No one had expressed a desire to retain them, and yet they were left hanging over the heads of individuals, not only over those who knowingly offended, but also over those who inadvertently, as many did, transgressed against that statute. The absurdity of that statute was sufficiently exposed when it was shown that the Government was ashamed, ay, and did not dare, to execute it. He would also add that he did not understand his noble and learned Friend behind him (Lord Campbell) to mix up the general question of Jewish disabilities with the question then before the House. His noble and learned Friend had only expressed a hope that Lord Lyndhurst would carry his benevolent intentions further than he had carried them in his Bill; but he had not mixed up this Bill, which was for the general relief of Her Majesty's subjects, with the exclusive relief of the Jews. He therefore hoped that their Lordships would proceed with this Bill without delay.

The EARL of DERBY: The Bill of Indemnity which Mr. Salomons required was not to relieve him from pecuniary penalties, but from certain severe disqualifications to which he was supposed to be liable. He was of opinion that such a Bill of Indemnity ought not to be granted until the legal question was finally settled —for it might turn out that a Bill of Indemnity was not at all required.

LORD CAMPBELL observed, that the noble Earl at the head of Her Majesty's Government objected to granting a Bill of Indemnity to Mr. Salomons on the ground that that Gentleman was assuming that he had incurred certain severe liabilities and disqualifications which were not yet fixed upon him by the final Courts of Appeal. His noble and learned Friend opposite thought that Mr. Salomon's object would be equally attained if he made this Bill retrospective to the first of January, 1851. The general question of the emancipation of the Jews was quite distinct from the particular question raised under this Bill. If Mr. Salomons should appeal from the judgment of the Court of Exchequer to the Exchequer Chamber, it would be his (Lord Campbell's) duty to preside over that tribunal. It was not, however, irregular for him to express his opinion on this subject in his place in Parliament. When he was in his Court he should have to examine and declare what the law was; not, as in that House, to declare what, in his opinion, it ought to be.

The EARL of WICKLOW could not avoid taking this opportunity of reminding their Lordships that there were other members of the community besides the Jews who had conscientious objections to the oaths prescribed by Parliament; and so strong did those objections appear to Her Majesty's late advisers, that they had brought in a Bill for the purpose of relieving them. In the present Session the noble Lord lately at the head of the Government (Lord John Russell) had himself brought forward a measure on the subject, and it was only in consequence of the change in the Government that that measure was not now persevered in. He (the Earl of Wicklow) hoped that Her Majesty's present Ministers would take into consideration that there were Members of that House who were precluded from taking their seats in it by their conscientious objections, and that they would consult the feelings which prevailed very generally throughout the country on the subject.

Bill read 1ª.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Thursday, May 4, 1852.

MINUTES.] PUBLIC BILLS.—1° Stamp Duties (Ireland) Continuance; Property Tax.

MILITIA BILL—ADJOURNED DEBATE.

Order read for resuming adjourned Debate on Amendment proposed to Question [3rd May], "That Mr. Speaker do now leave the Chair." And which Amendment was—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'to enable this House the better to consider the provisions of the Militia Bill, a Return of the Effective Force of the Royal Navy on the 31st day of March last be laid on the Table of the House."

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

CAPTAIN SCOBELL wished to explain that his having moved the adjournment on the previous evening was not from any want of deference to the House, but he knew that several Gentlemen on his side were desirous of addressing it, and he himself had risen five or six times without having had the good fortune to catch the Speaker's eye. He himself wished to make a few observations on behalf of the city he represented (Bath), which had sent a petition against the Bill, signed by 1,500 persons. Upwards of a thousand petitions had been presented, of which 99 in every 100 were against the principle of the Bill, and not against the ballot. The hon. Gentleman the Solicitor General for Ireland had alluded to the circumstance that a French fleet had reached Killala, on the Irish coast, during the late war; but the hon. Gentleman forgot to state that that fleet was entirely dispersed, and the greater number of the vessels captured. It was with great astonishment that he had listened to two nights' long debates on this subject, and had scarcely heard the Navy spoken of; or, if it was spoken of, it was only to say that under present circumstances, and with the advance of science, the utility of the Navy had passed away. Although we had the largest Navy in the world, and although other nations, in consideration of our insular position, did not attempt to compete with us in this respect, yet we wanted to vie with the military forces of other nations; and this Militia Bill, if it was passed, would be the first step in that direction. He took it for granted that whatever nation had the command of the sea would usually be successful in its operations, and certainly in landing its troops; while a nation whose enemy commanded the sea would certainly have no success in expeditions on a large scale, if in any. Owing to our having the command of the sea, we had always effected our purposes when we wanted to attack any spot; and had by this means taken Malta, the Cape of Good Hope, and various colonies scattered over the world. It was through our naval power that Wellington first set foot in Portugal, and that long, expensive, and glorious war was sustained by the supplies and recruits which our command of the sea enabled us to send there. And, on the other hand, notwithstanding all the large military resources, the wealth, and skill of France, yet, from not having the command of the sea, she was not able, during the twenty years of the war, to obtain any footing in Ireland, Scotland, or any part of our dominions. The noble Lord the Member for Tiverton (Viscount Palmerston) had in his speech the other evening commented on the additional means and facilities of attack which steam had given to our enemies. He (Captain Scobell) replied, that it increased our means of defence to at least an equal, but he thought to a greater extent. The noble Lord had also remarked upon the means which the French possessed at Cherbourg for the embarcation of an invading force, and upon the rapidity and facility with which they might cross the Channel; and he said that all our forts and our gun-brigs (the noble Lord forgot that our Navy did not wholly consist of gun-brigs) would be unable to prevent an enemy from landing who was determined to do so. But even if such a force as the noble Lord contemplated could get across the Channel, the landing of 50,000 or 60,000 men, with the material and baggage of the army, would occupy not hours but days, and before that could be accomplished our naval force would arrive and cut their fleet to pieces, while the few troops which might have landed would be obliged to surrender themselves prisoners.

The Solicitor General for Ireland (Mr. Whiteside) had, in his speech on the previous evening, talked of the French fleet having escaped from Brest during the late war; but all the escapes from our blockading forces during the late war occurred just at the heel of a gale, and before our force, which had been driven off, had been able to resume its position. That, however, would not do in the case of an invasion, because, in order that they might effect a landing, the enemy's fleet must come out in fair weather. It had been said that we were placed at a disadvantage with respect to France by the narrowness of the Channel; but he contended, on the contrary, that the narrower the Channel the more easily was it watched. He believed that if there was any real alarm of invasion, a few thousand men on board steam vessels would, with the present force of France, prevent any attempt being made. He would put 8,000 men (seamen, officers, and marines) on board twenty-four steamers—three of 60 guns, five screw frigates, six first-class steamers, and ten second class; and with this force he believed we should be perfectly safe. He quite agreed that sailing vessels could not do the service that steam vessels could, and he, therefore, thought that the naval force for the defence of our coast should be composed entirely of the latter description of vessels. But he might be asked whether he proposed to add these 8,000 men to the Navy? Now, to a considerable extent, he agreed with the hon. Member for the West Riding of Yorkshire (Mr. Cobden), who said that we might bring home from various foreign stations a sufficient number of vessels and men for our home defence. But the fact was that we had even now at home the force to which he had just referred. We had now three line-of-battle ships at Spithead, and one at Plymouth, having on board 3,350 men, besides the *Leander* and *Arethusa* frigates, and some other vessels, whose crews would together make up the 8,000 men he required. Now, if it was thought that an invasion was imminent, all that would be necessary would be to place these men in steam vessels, and place them at such stations along the coast as some skilful commander might advise. The same Navy which had hitherto kept the enemy from our shores, would, if it was encouraged, kept in an efficient state, and stationed in those places where it was wanted, continue to defend us from any invasion, whether in time of peace or of war. Napoleon, although he had the means of coming across the Channel, did not attempt to invade us, because he said he could not hope to succeed unless he had the command of the Channel for a week or ten days. Let us take care that we never, by sending our forces away in different directions, and not keeping sufficient at home, left our shores unprotected, or that for a short time an enemy had a superior force in the Channel; for in that case this country would be no longer impregnable. He would recommend the House to expend the money which it was proposed to lay out on this militia upon the completion of our harbours of refuge, and in the construction of an additional one between Portsmouth and Dovor, which are 120 miles apart; he believed that a suitable site had been recommended near Dungeness. Nobody felt more strongly than he did that every one would be startled at the feats which would be performed by steam vessels should war occur; but these feats would not be on one side alone; the power of steam would give us new means, both of annoyance and defence, and would enable us to laugh to scorn the fears now expressed of our vulnerability. The hon. Member for Carlisle (Mr. P. Howard) had on a former evening said, that, having voted with the noble Lord the Member for London on the first Militia Bill, he felt bound to vote for the second Bill. Now, he (Captain Scobell) had also voted with the noble Lord on the division on the first Militia Bill, because it was evident that the Motion to strike out the word "local" had an object beyond that contained in its terms, and that its real purpose was the one that it answered. He then voted with the noble Lord too, because that was simply a Motion for leave to bring in a Bill, and he understood that it was very rarely that that was refused to a Prime Minister. But he should have voted against the second reading of that Bill, had it reached that stage, and he, therefore, felt that he was perfectly at liberty without any breach of consistency to oppose the present Bill. He believed that the subject of the efficiency and capability for defence of our naval force, if properly stationed, was not fully understood, or, if understood, was not fairly admitted. He would impress it upon the Government that before they entangled themselves with this Bill, which was evidently unpopular with the country, they should give greater facilities for the transfer of any reasonable number of men into the steam vessels now fitted out, and should increase the available steam force; if they thought the midnight marauder might be expected on our shores, let us meet him on that element where victory was sure. He was quite certain that if war arrived, it would be proved that England's safety would be found not in the militia, but in those "wooden walls" which had upheld her glory and protected her dominions in the most perilous periods of her history.

Sir HARRY VERNEY said, that it was the opinion of the greatest military authorities that the defences of the country required strengthening. If a foe were seen on our shores, the question would not be, what was the opinion of Members of that House, but what were the dispositions of the Duke of Wellington—where did Hardinge command—or to what part of the coast was Napier going? It was therefore their duty now to listen to the opinion of these men, who had at all times given good counsel to the nation; and then this peril would never arise. He did not mean to underrate the power and efficiency of the Royal Navy, for which noble service he had the most sincere admiration and respect; but he thought that we ought not to rely wholly on our Navy, but that we should take such measures as would enable this country to resist her enemies with equal effect on land or on sea. The most practical work that had been published on the state of our defences, and one which had attracted more attention than any other, was that written by a foreign officer, Baron Maurice, an independent gentleman, who was assuredly actuated by no feeling of hostility to this country. In this work Baron Maurice clearly showed that the proper way to attack this country would not be by endeavouring to land a single large army, but by sending out from the opposite coast several detachments of 10,000, or 15,000, or 20,000 men, who should endeavour to reach different parts of the coast of this island, and should have a common rendezvous. That was the sort of attack that we must prepare to meet, and not an invasion by a force of 50,000 or 60,000 men. It was worthy of remark that no statesman of any distinction had ventured to dispute the positions taken up by Baron Maurice, and amongst distinguished politicians of all parties there seemed to be absolutely unanimity on the necessity of strengthening, by some means or another, our military establishments.

Captain Scobell

He quite agreed with hon. Members who said that it was the interest of France to remain at peace. The immense advances that she had made since the peace in the arts of civilisation—greater than any country in Europe except Belgium—were attributable to the fact of her having enjoyed external peace, and had been made in spite of the internal disquietude under which she had suffered; and that external peace was very much due to the good understanding which she had enjoyed with this country. But he had not read history to so little effect as not to know that the population of a country were not always governed by their interest; but that on the contrary private pique, ambition, emulation, personal or national hatred, not to say the lust of conquest, would frequently throw the most friendly nations into antagonism; and it was against such an eventuality that we were now called upon to provide. It was our duty to provide against the possibility of any danger arising from hostilities; and his conviction was, that the bravery of our population, and our geographical position, would enable us to do this perfectly. He did not think that service in the militia would be oppressive or distasteful to the people of this country. He could not forget that in the last war 400,000 men came forward to act as volunteers; he believed that the spirit of the country was not less patriotic now than then, and that we should have plenty of volunteers if the country were really exposed to danger. He would venture to suggest that a large militia force was difficult to raise and discipline except through the medium of a large army: the last time the militia was enrolled, there were plenty of non-commissioned officers ready to drill the men; and this was one of the reasons which caused that force to be so effective. He did not know whether they were all agreed as to the difference between a regular and a local militia. As he understood it, the regular militia was a force which might be embodied for five years, and which might be called out by the Government in time of war. They were now at war; and if the Bill were passed for a regular militia. it would be in the power of the Government to take every man in that militia and keep him for a certain number of days. The consequence was that he would be disabled from engaging in any other occupation. The local militia, on the contrary, would be embodied merely for the purpose of training in their own neighbourhood, and would never be marched away from it except in case of actual invasion, or when there was peril of invasion. An hon. Gentleman behind him had said that he should wish to have a Committee appointed to make an inquiry with respect to the national defences; and a Committee or Commission so appointed might make a report that would be extremely satisfactory to the country. During the last war, we had 200,000 of the militia enrolled, exclusive of cavalry, foot guards, and colonial regiments; and the whole disposable force in the country at that time was 600,000 men. It was contended that service in the militia would corrupt the men who composed it, and that therefore it would become distasteful and unpopular with the public; but he did not believe it, because the examples set by the soldiers and non-commissioned officers in well conducted regiments of the line, was such as to inspire confidence and respect in the force. He did not see any reason why a militia volunteer should have a bounty of 6*l.*, while the recruits of the line only got 4*l.*, or, in fact, less than 1*l.*, because more than 3*l.* was stopped for their kit. He believed they could not succeed in reducing the expenditure for the military forces as long as they remained divided under the command of so many departments. There were no less than five departments connected with the military establishments of the country, and this necessarily led to considerable expense. The Infantry, Cavalry, and Guards were under the Horse Guards; the Artillery and Engineers under the Ordnance; the Pensioners under the Secretary at War; the Militia under the Secretary of State; the Commissariat under the Treasury. He did not believe that our national defences were in such an efficient state as they ought to be. He considered that railways would afford great facilities in the moving about the troops; but he should observe that there was a portion of the coast still without the defence of a railway—namely, the country between Dorchester and Exeter. He did not believe their fortresses were in the state of preparation they should be in. He was informed that there were forts at Portsmouth and Plymouth, the bridges of which were so defective that it was impossible to carry a heavy gun over, without first shoring them up; and it was a shame that they should be spending money on that building (the Houses of Parliament), and in procuring comforts for themselves, when the sums so expended would put their fortresses in a state of preparation that would render them invulnerable. The property of the country was estimated at 200,000,000*l.*, and it was calculated that an outlay of 10,000,000*l.* or 12,000,000*l.* upon national defences would make the country invulnerable against all attacks. This was a very small assurance to secure the safety of such an immense amount of wealth. He trusted they would endeavour to make their military force efficient, and at the same time as little burdensome and inconvenient to the mass of the people as would be consistent with its efficiency. The hon. Baronet concluded by expressing his intention to support the Bill.

Mr. GRANTLEY BERKELEY said, he never saw the Opposition benches so chapfallen as they then were. The only appearance of gaiety among them in the proceedings of last night was that displayed by the hon. Member for Finsbury (Mr. Wakley), who, with a *naïveté* peculiar to himself, asked the Chancellor of the Exchequer to agree to the adjournment of the debate, because he intended to offer the measure every opposition in his power. The hon. Member for the West Riding of Yorkshire (Mr. Cobden) said, that, with the exception of the question of free trade, there was no question that suited him so well to go to the country with as the present. It appeared, then, that the hon. Gentleman must always have a political grievance; for if he had not some measure to stir up the masses peculiarly at his command, his political life would become a nonentity. He should like to know how these petitions, which they had heard so much spoken of, were obtained. How was it that his county, which was one of considerable importance, had never sent him a petition to present against the Bill. The great manufacturing towns, in which the hon. Member had so much power, were the only places from which these petitions emanated. The hon. Member for Manchester (Mr. Bright), when speaking of this subject, like Bob Acres, felt his courage oozing out of his finger ends. That hon. Gentleman said that the Army and Navy were forgotten that moment in favour of what he called the blundering, miserable, and undisciplined horde that would constitute their militia force. The House ought to mark well the difference of the language used by the hon. Member in speaking of the people when addressing these persons out of doors, and when he spoke of them in that House. The hon. Member also said that a political panic was sometimes got up for the purpose of trading on it. He (Mr. G. Berkeley) would ask the hon. Gentleman whether he did not know of such a panic being got up for the purpose of exciting the hostility of the people against the Government; and that language was uttered on such occasions outside of the House which dared not be uttered inside of it. Why, at the first gathering of the Anti-Corn-Law League there was language used which was well calculated to excite rebellion. The hon. Member for Manchester last night was pleased to attach to the noble Lord the Member for Tiverton (Viscount Palmerston) the title of Mrs. Jellaby. Now he (Mr. G. Berkeley) recollected reading of two characters described by the same author, which he thought were singularly applicable to that hon. Member and the hon. Member for the West Riding of Yorkshire, namely, Unhappy John and Misery Dick. For his own part, he (Mr. G. Berkeley) was a friend of peace, but he agreed with the Spanish proverb, that one sword drawn kept many others in their scabbards. He had the highest opinion of the proposed force. He recollected that during the war, many men had volunteered from the South Gloucestershire militia into the regular Army; and if they were to put the militiamen between the troops of the line, he had no doubt that they would prove quite as effective as the regular soldiers. He should certainly support the Bill, because he was convinced that it was the most constitutional and appropriate measure that could be devised for our national defence.

Sir De LACY EVANS wished to take that opportunity of saying a few words in explanation of a statement he had made on a former occasion, about which there had been some misapprehension, in consequence, he believed, of the noise that prevailed in the House at the time, and which he was precluded by the forms of the House from explaining in reply. What he then stated was, that there were 80 field guns that might be made available for the defence of the metropolis; and he also went on to say that there were four companies out of ten of the marine artillery on shore, as fine troops as any in the world, and that he saw no difficulty in their being provided with horses in case of emergency, though they might not be fit for field service. Now that statement, in so far as there being 80 pieces of artillery available, was borne out by the evidence adduced before the Committee of Military Inquiry; and as to providing horses for such a force, he spoke not theoretically but practically, for he had himself gone into action with horses that had never been trained for that purpose, but had been picked up a few days before at the farm houses on the roadside, and they had performed very good service. He believed that the marine artillery could supply 20 more guns, and that horses might easily be procured in London for the protection of the metropolis, so that there might be 100 altogether, in case of emergency. He objected to the militia, because he did not think that species of force was efficient for a momentary occasion; and he stated that our means of defence had been very much underrated. He had also gone on to show that there was no immediate danger before us, and that we had at home a very formidable force to defend us. Now, according to the Estimates, he found that we had of rank and file 51,800, with 6,600 officers, commissioned and non-commissioned, making together 58,400; then there were at home three-fifths of the Ordnance corps, consisting of 15,000, which gave us 9,000 more; or, in all, 67,400. He had said, also, that if this metropolis were exposed to danger, it would be the duty of the Government to bring troops from the different parts of the empire, but he did not say it would be right to do that for a permanence. Then he said, that according to the Estimates, there were 5,300 marines on shore, and 5,700 afloat; and, in case of emergency, he did think that if it were necessary to strengthen the Army, 5,000 men of that force ought to be available, and that would raise the number of men to 72,400. Then there were 16,000 old pensioners and others, of whom he thought they might calculate on 10,000 for a few days' service, so that the entire force available for defence would be raised to 83,000 men. He admitted that complaints were made, and justly made, by the illustrious Duke now the Commander-in-Chief, when he was in command of the army in the Peninsula, that the Government at home overestimated his force most enormously, and forgot that a vast number of his force was non-effective; but when the noble Duke made that statement, there were non-effectives to an amount beyond any likely to exist in a time of peace; he believed that at that time one-third of the army were in hospital. But then he was told that the rank and file only ought to be counted, and that the officers, non-commissioned officers, and drummers ought to be omitted. Why they were not to be counted as part of the force, he could not understand. If, however, these deductions were to be made from our army, they must also be made from the enemy's army. It had been said that an army of 400,000 Frenchmen were at the disposal of one man. He altogether repudiated the exaggerations that had been made on this subject. A Baron Maurice, a major in the Swiss army, had written a book, in which he showed how the British empire might with the utmost facility be occupied and conquered by a French army. He thought the Baron was not extremely well acquainted with the subject. He proposed to plant three great armies on our shores; but where did the House suppose the main army was to be deposited? He proposed to send 70,000, with 200 or 300 pieces of cannon, 10 sail of the line, and he (Sir De L. Evans) knew not how many frigates, to take the port of Rye, and the troops and field-pieces were afterwards to be conveyed to Blackheath to commence operations. Now, he (Sir De Lacy Evans) once represented Rye, and he could state that it was a mud port, and colliers with great difficulty—even with skilful pilots—could enter it. Such statements as these ought to be disregarded as monstrous and ridiculous; and though unquestionably it was the duty of the Government to look forward and see that this country was placed in a perfect state of defence, yet it was not right to endeavour to carry any measure of this sort on the strength of such publications as these, or by representing that our national forces were so infinitely less than he firmly believed they were. He had said nothing about the 13,000 mounted yeomanry, though he considered them a very good force, and believed they would be found extremely troublesome customers in the flank and rear of a French army, if they attempted to show themselves in this country. But he did not believe there was any intention on the part of France to invade this country; though he must say we were putting their good sense to a severe test. He believed that the head of the French Government had too much knowledge of the power, and courage, and innumerable resources of this country to vindicate its independence, if assailed, to entertain the project of invading our shores. It was stated that there were 400,000 French troops on the opposite shore; but the fact was not so. The actual amount, according to the French army estimates for this year, was 369,000, and from that must be deducted 70,000 for Algiers; so that 100,000 men were at once to be struck off from the supposed army of France. Then there were 16,000 officers, and 22,000 non-commissioned officers, making 38,500 together, which were also to be deducted, if the number of our own officers—though he could not understand why—were to be so, from the number of our own force; then there were 23,000 drummers and trumpeters, who ought also on the same principle to be deducted. But there was in the French estimates one class which we had not in ours; they considered as part of their army the infantry and cavalry police, or the Gendarmes—they numbered 21,000; but that force was not available for the purposes of invasion; it was absolutely necessary for the local government of France, and carried it on in fact far more than our police. If, however, that formed part of the French army, then we ought not to lose sight of the 12,000 Irish police, who were quite as good, and in his opinion better soldiers than the *gendarmerie* of France. He knew no troops in the world he should count on as better than the Irish police; they were not exercised in battalions, but the general duties in which they were employed in responsible service, made them fit for any duty, and rendered them most valuable troops in case of emergency. The French also included in their estimates 4,000 *enfans de corps:* these could hardly be said to be available for the purposes of invasion. Then, look to the number of men invalided. The average of the British army was 4½ per cent, or 3,000 for the whole force at home; but the number for the army of France would be 13,500. That number, therefore, must be deducted, and, counting all those together, he might put them at another 100,000 men in round numbers to be deducted from the 300,000. There then remained only 200,000; but did the House suppose the whole of that force would be available immediately for some ambitious project? No such thing. There was in the time of Louis Philippe never a less garrison in Paris and its neighbourhood than from 50,000 to 60,000; and he believed he was underrating it now if he said the present number was 70,000. Lyons and the country around it, and its entrenched camp, also required 30,000; and he believed it was impossible for the French Government to leave either of those two great cities without garrisons of those amounts, however ambitious they might be. Thus there went another 100,000. What remained? Only 100,000. He would suppose there was nothing else to be looked to in France—no great military Powers on the frontier. He would suppose that 100,000 men of the French army were quite available to be sent over here some fine summer morning. If they did, he would venture to say that with the deductions that would have to be made before they came into general action with the British Army, they would still be inferior to us in number, besides the immense advantage we should have in fighting in our own country and choosing our own positions for combat, with a brave and patriotic population to support our army, and thwart in every way that of an enemy. But there was no such thing as 100,000 men of the French army available at present after making deductions for those indispensably occupied in garrisons. The French had eighty garrisons to provide for, some of which they could not leave without considerable protection, such as Strasburg, Belfort, Metz, Lille. He (Sir De L. Evans) did not believe the French Government could really collect 30,000 men for the purpose supposed. Be that, however, as it might, he did not suppose they were so insane as to enter into a bootless war with the English people. He did not profess to know anything of naval affairs, but there was an evident disposition, both among the past and present Secretaries of War and of the Admiralty, to diminish the supposed amount of the effective forces of the country. The right hon. Gentleman the Member for North Wilts (Mr. Sidney Herbert), in one part of his speech the other night, estimated that 17,000, and in another, so few as 12,000, would be available for the defence of the capital; but in the event of an invasion, the right hon. Gentleman calculated that so many troops would have to be sent to Dover, the Channel Islands, and other places, that he (Sir De L. Evans) feared that London would, according to the right hon. Gentlemen, be left without any troops whatever for its defence. Another right hon. Gentleman, a former Secretary of the Admiralty (Mr. Corry), towards the end of his speech seemed completely to concur in the objects of the Motion of the hon. Member for the West Riding, and to confirm the argument as to the erroneous distribution of our naval force. Undoubtedly the force that might disembark on our shores would not have any sick among them; but at the same time it should be borne in mind that they could not advance from the coast where they disembarked without leaving troops to cover the points on which this had been effected, both for their own retreat, and to favour future disembarcations. He believed that if 80,000 men disembarked to-morrow on the coast, scarcely 50,000 of them would be available for action after advancing fifty miles into the country. If, however, we were to have a Militia Bill at all, he thought that of the noble Lord (Lord J. Russell) would have been less objectionable than that of the Government, inasmuch as the noble Lord made allowance, among other differences, for volunteers and the local police force. According to the noble Lord's Bill, the metropolis would not have had to furnish one man, because there was a police force available of 6,000 or 7,000, besides a volunteer rifle corps of probably 3,000 or 4,000. As for war, he (Sir De L. Evans) did not believe in its probability. He, on the contrary, believed that if any such invasion were attempted, the inevitable consequence would be—first, that the fleet which conveyed the invaders would be destroyed by our Navy; and the next result would be the destruction or capitulation of the invading troops, and the fall of the Chief of that Government which should undertake so rash an enterprise. In 1848 the French army amounted to 502,000 men, which had since been reduced by 132,000; but notwithstanding which, the Government of this country now deemed it necessary to come forward with this Militia Bill. In 1812 the French army amounted to 943,000 men; in 1813, to 1,107,000; during the hundred days of Napoleon, to 559,000; in 1832, to 426,000; in 1840, to 415,000; in 1848, to 502,000; and within the last three years it had been reduced to 370,000. With these facts before him, he did not apprehend those serious dangers which formed the topic of such general conversation. It was out of the power of any nation to conquer this kingdom. If, indeed, our whole population became manufacturing, we should, perhaps, become so unmilitary in our pursuits and habitudes that there might be danger; but the variety of classes and occupations of our people were a great advantage to us. We had physical strength and courage among the agricultural population, great intelligence and mechanical power among the manufacturing, and these with our vast wealth were great elements of national strength and defence. He did not, in fact, believe that we were really in any serious danger from the hostile attempts of any nation in the world.

MR. BERESFORD said, that, as to the mass of figures which had been adduced by the hon. and gallant Member with respect to the number and disposal of the French Army, he should not attempt to reply, for he owned that he did not possess the necessary documents which would enable him to do so, but he should confine himself to the statement which the gallant General had made respecting our own forces and their efficiency for national defence, and in so doing he should quote a few statistics from official returns which he did possess. With regard to the efficiency of the available force which we were in a position to bring into the field, the original statement upon that subject was made by his right hon. Friend the Home Secretary, and was not made without due consideration. His right hon. Friend stated that the utmost force which could be brought into the field was 25,000; the hon. and gallant Member impugned that statement, and declared that the sum total of the Army which could be efficiently brought into the field was 85,000, and this assertion he had put forth again to-night. In making out that number he (Mr. Beresford) was prepared to admit that the hon. and gallant Member had included the officers in his calculation, and that in the official returns the rank and file only were given, which was the ordinary way in which these returns were made up. But he had no objection to give the hon. and gallant Gentleman the officers. He would not say that the officers of the British Army were not as brave and as available for the field as any set of men who ever entered it; and he should be sorry to except them, therefore, from the number of those who would be ready in an emergency to draw their swords in defence of their country. In calculating the number of infantry which could be brought into the field, however, the hon. and gallant Member included the army in Ireland, which he (Mr. Beresford) entirely omitted; and he not only maintained that he had a fair and just right to except it, but he could appeal to the high authority of the late Premier, who the other night entirely excluded that force from being available for the defence of Great Britain, and said that he considered that no man, responsible for the government of the country, and no officer responsible for the defence of Ireland, could withdraw a single man from that country in the event of an invasion of this. He (Mr. Beresford) readily acceded to that proposition. He believed the noble Lord was right, and that the noble Lord had fair and just reasons, grounded on official information, for making the statement. Therefore, he thought he might properly exclude the 21,000 rank and file who were now stationed in Ireland. The same argument, and the same reasons, would operate in like manner with regard to the armed police force in Ireland; and a better or more efficient force than that he believed could not exist. Raised, as it was, from among the lower classes in that country, irrespective of creed or religion, it furnished a distinct and satisfactory proof of what reliance might be placed on the population of Ireland. It showed that Irishmen were capable of being entrusted with arms, and that we need not be afraid of reposing confidence in them. But he maintained that if the number of police were necessary to be maintained in Ireland in a time of profound peace, it was quite as necessary, to say the least, that it should be kept there when apprehensions were entertained of the country being invaded by a foreign foe. [Sir DE L. EVANS: I did not include them.] The hon. and gallant Member, however, suggested that there was a fine force there which might be brought over. The hon. and gallant Member stated that there were 16,000 pensioners, but he did not take the trouble to inform the House, that of this number there was above 6,000 in Ireland; and though the pensioners might be excellent troops when placed behind walls, yet they were not troops of such activity or physical power as to be removable from one part of the kingdom to another. Having therefore deducted the army in Ireland, consisting of 21,000 men, from the total number of our forces in the United Kingdom, there would be left in England only 39,172 men, inclusive of 5,029 cavalry. But with regard to cavalry as a defensive force, he did not think that any high professional authority would maintain that the southern portion of England was a description of country in which they could be made very available for that purpose. It was infantry and artillery which were required to be brought to those points. Deducting the 5,029 cavalry, therefore, from the force of 39,172, there would remain 34,143 infantry, artillery, sappers and miners, and guards. Moreover, a further deduction must be made for the non-effective service. He held in his hand an official return of the effective force of six different regiments now serving in this country and in Ireland, and he found that, including recruits at drill, there were, upon the average, about 205, or nearly one-fourth of the establishment of each regiment, non-efficient. Without the recruits, who were at present very numerous, it was 142, or about one-sixth. He considered, therefore, that one-fifth would be a fair deduction to make from the infantry regiments, leaving the remainder as the effective portion to be brought into the field. Thus would the number of available infantry and artillery be reduced to 27,314. As to the distribution of the Army, and the number necessary for the defence of our arsenals, dockyards, and forts, he had consulted the highest authorities—that of the Commander-in-Chief, the Master General of the Ordnance, and the Commandant of the Engineers. The highest amount of force which these gallant officers calculated upon as necessary for holding arsenals, forts, &c., was 33,000 infantry and artillery; the next amount was about 30,000, and the lowest, 28,000 men. He would take, then, the amount as at 28,000 men. Jersey, Guernsey, and Alderney, with its new harbour, would take 5,000 men; the Thames, including Sheerness, Chatham, Tilbury, Purfleet, the Tower, Deptford, Woolwich, and its other dependencies, 8,000 men; Dover, 2,000 men; Portsmouth, 5,000 men; Plymouth, 5,000 men; Pembroke, and other detached places, 3,000; in all, 28,000 men. Adding to the artillery, guards, and infantry, the pensioners and some other available forces, they would have a total strength of 34,280 rank and file. From this let the 28,000 men, which the highest authorities declare absolutely necessary for the garrisons of our arsenals, forts, and dockyards, be deducted, and the entire active force at their command would be but 6,280 rank and file; to which he would add, 4,023 cavalry — which were not suitable for service in the southern counties, on account of the nature of the ground, and 261 sappers and miners, and the whole force they would have to meet an invading army—a force which all must admit was certainly not adequate to oppose such an army as would be brought by an enemy to support an invasion of this country — would be only 10,564 men. How, then, could they obtain an available force to meet the enemy in the field? By this very militia now before the House. Such a force, though they might be called a rabble, would be able to hold the garrisons and forts. With arms in their hands, they might safely be placed behind walls, with a few old soldiers to direct them; and they would maintain those walls safely, valiantly, and bravely for their country. Thus an available force of infantry would be placed at the disposal of the general commanding, to march against the invaders; and thereby a force of 30,000 rank and file might be brought into the field, able and willing to do their duty. If the militia was refused, we would be obliged to take able and efficient infantry from the field, and shut them up in the garrisons. That was one of the most cogent reasons for a militia. Other estimates of the force available to this country had been made besides those of the gallant Officer; and the noble Lord (Lord J. Russell) had estimated it at 100,000 men. If the noble Lord (Lord J. Russell) could find in April that there were 90,000 or 100,000 men available, why could he not discover that in January or February, when he digested and prepared his Militia Bill? If there were really 90,000 men available for the defence of the country, why did he propose such a Bill? Surely it was not necessary to go into opposition to find out what was the available force of the country, nor did it require a Minister to go to the other side of the House in order to obtain official returns of the national defences of the kingdom. But the noble Lord's 100,000 men would be found, on examination, nearly as effective as those of the hon. and gallant General (Sir De L. Evans). The hon. Member for Richmond (Mr. Rich) had talked of 200,000 men—

Mr. RICH: The force I stated is what might have been made available, if the suggestions which I had previously made had been acted upon.

Mr. BERESFORD would admit that the militia would be useless if such a force could be produced; but if they were, as he had proved, "men in buckram"—an ideal army—it was absurd to talk about them. There were various branches of military duty for which a militia might be made available in a short time, such as garrisoning forts, guarding baggage, and other duties, which would let loose an equal number of regular troops. The militia would be Englishmen; and amongst the arguments against a plan for militia, it was said we were not a military people, though he contended that we were essentially a military nation. Where was the country that had ever produced better soldiers than England? Look at the late case of the *Birkenhead* steamer. Would any one tell him that the men who had behaved with such cool courage and with such devotion amid the perils of the vasty deep, would not have fought on land like Britons, and carried devastation into the enemy's ranks? There was more excitement in battle than in perishing in the ocean. Depend on it, the English was as brave a nation as ever lived, and could form as good troops as ever fought or conquered. The difficulty of disembarking a large number of troops had been urged as a safeguard against an invasion; and it was said our army took ten days to disembark at Montego Bay. The French coast was much nearer to us than Cork was to Montego Bay, and steam power now existed. When our troops landed in Montego Bay a very heavy surf was running, and there was great difficulty in getting the boats on shore. But there were instances of debarkation of a totally different and much speedier character, which might be cited; as the landing of troops in Egypt; and, in 1814, the debarkation of troops in North America, under General Ross; in this case they landed on the 19th of August, commenced their march on the 20th, continued it on the 21st, 22nd, and 23rd, and having marched sixty miles, they fought an action on the 24th, and gained a victory; and amongst those who were mentioned in the commanding officer's despatch as highly deserving of commendation for his zeal and the ability with which he advanced the rapid landing of the troops on that occasion, was Lieutenant Evans, acting deputy Quartermaster General, the hon. and gallant Member who now spoke of the difficulties of landing troops. He thought that if the country remembered that gallant Officer's services, he ought not to forget them himself; but he thought the gallant General's practice was better than his theory: he considered his conduct in the field superior to his counsel in the senate. Again, there was the landing at New Orleans, where the ships rendezvoused at sixty miles from the port, and at Baltimore, where 4,500 troops were landed on one occasion before twelve o'clock in the day, and engaged in action, after a march of seven miles, before four o'clock p.m. It was thus that English troops were accustomed to debark, march, and fight; and he did not see why French troops could not in like manner land with equal rapidity, and engage in action in an equally short time after landing. In favour of the militia scheme there was one argument which had never been controverted. Supposing that they augmented the regular Army instead, could they maintain that augmentation? In the present temper of the House and the country they could not. An addition of 15,000 men to the regular Army would not be sufficient to fill up the garrisons of the country, and yet it would cost 600,000*l.* the first year, and 520,000*l.* every year afterwards; whereas the whole of the estimated expenditure for the militia in the first year would be but 350,000*l.*, and there was every chance of the militia being made an available and good force. Why should they be miserable and inefficient? They were taken from the same class as the regular Army; the same men would make the best of soldiers if they went into the line; and if they were drilled as proposed, by non-commissioned officers of the line, why should they not be in time as effective as regular troops? The force had already the sanction of the highest military authorities in the country. There was a fair prospect of raising the men in the way proposed. In the old militia, which was a good force, nine-tenths were substitutes—men paid not by the bounty of the country, but by those who had been balloted and had hired them; hence it was reasonable to expect that there would be a considerable degree of volunteering on account of the bounty now offered by Government. The population was larger, and that would give a greater amount to draw from. The inducement, moreover, to enter now, would be greater than in the old militia, as the condition of the Army had improved so much since then. There was greater morality and respectability amongst soldiers; they were treated with more consideration; their comforts, their moral and intellectual improvement, their occupations and amusements, their medical attendance, were better cared for. The almost entire cessation of corporal punishment had also greatly raised the Army, and respectable men would be induced to enter a service where they were no longer liable to a most degrading stigma. He firmly expected that it would not be necessary to recur to the ballot. It had been said a militia force would interfere with the recruiting for the Army. He did not think this would be the case; the age for the militia was very far above that of the usual class of recruits, and men of a lower stature would be eligible than could or ought to be taken in the Army. The hon. and gallant General (Sir De L. Evans) shook his head at the mention of the low standard; but well-formed, active, broad, and muscular men of small stature could go through a great deal of fatigue, and could march very well, though they might not look so handsome on parade as a grenadier company. But the whole of these details would be subject to the regulation of the War Office. The militia had always been a great assistance to the recruiting of the Army; some of the finest and largest batches of recruits, during the most wasteful and squanderous expenditure of blood in the Peninsular war had been drawn from the English militia; and the same must occur again. He was certain the regulations would be such as to prevent any interference with the recruiting for the Army. It had been said that it was impossible to make a man taken from the plough or the road a soldier in a short time. It was true they might not make them fit at once to mount guard at St. James's; but troops could easily be got to march together in proper files, and to execute those simple manœuvres which were alone desirable with young troops in the immediate vicinity of an enemy. If they could keep their files together, get into column, and deploy, they would be available for such services as they were wanted to perform. Napoleon Bonaparte, on returning from his disastrous campaign in Russia, commenced raising fresh troops by conscription in January, and by the month of March he had got together and marched into Germany 170,000 men, and fought and won the battle of Lutzen with these very troops in the month of May. That was done with troops raised by compulsion; and he could not help thinking but that troops raised by volunteer enlistment would effect as much as those driven into the ranks by conscription. As for Englishmen not being willing to submit to military service, he did not believe it, nor could he think such an argument admissible. It was the duty and obligation incumbent on all members of the community universally, who were capable of bearing arms, to rise in defence of their country when it was attacked. If it were not so, the same argument might apply to the duties of the police, of jurymen, and every other function which might not be regarded as agreeable. He believed, however, that the proposed scheme of militia was one the least partaking the nature of a grievance that could be devised; all its provisions were of a mitigated nature; the more they were discussed the more every honest and independent man would feel that the Government had brought it forward with an honest desire solely to provide against the country being taken by surprise, and at the same to show that they were determined not to leave the shores of England in an unprotected and defenceless condition.

Mr. MACGREGOR said, the statements of the hon. and gallant Member (Sir De L. Evans) would be credited generally, not only in this country but on the Continent. It was well known that all the great Continental Powers had, since 1850, been reducing their forces. No country was more insecure internally, both from her financial condition and other causes, than Austria, and yet she was about to reduce her army by one-third. This reduction has arisen from financial necessity. He therefore could see no reason why we should commence augmenting our forces at the present time. He did not believe the French people had the slightest disposition to engage in war against England; and a report of Marshal Soult, which stated that nobody who had served as a conscript would serve as a substitute subsequently, and that conscripts in the army were continually sending home money from their small savings, in order to keep up their connexion with the village or place in which they were born, showed that the French nation had become averse to war and military service. He (Mr. Macgregor) thought that if any course would lead more to excite the French to declare war against us, it would be some of the debates which had taken place in the House for the purpose of increasing our military force, in which our Army was declared so weak, and our Navy so inefficient. He believed we might bring 12,000 men from our Colonies for the purpose of serving in home defence much sooner than we could organise a militia; and if the Army were so inefficient as it had been described, it was a scandal that the people of this country should be taxed so heavily for its maintenance. He must say that he thought the statement furnished by the Secretary of the Admiralty (Mr. Stafford) respecting the naval forces of foreign Powers was not a correct one—especially as regarded France and Russia. With respect to Russia, her fleet had been greatly diminished within the last ten years. Ships of war were then called "the Emperor's toys." In 1840 Russia had 56 ships of the line—30 in the Gulf of Finland, and 26 in the Black Sea—with 48 frigates, and also a few steamers, which latter class of vessels had been latterly built in England. At present the naval force of Russia consisted of 45 ships of the line, being 11 less than in 1840. Of these 27 were in the Baltic, and 18 in the Black Sea. There were 24 frigates—12 in the Baltic, and 12 in the Black Sea—15 sloops in the Baltic, and 19 in the Black Sea, besides 8 steam vessels in the Baltic, and 15 in the Black Sea; making their whole force to consist of 130 vessels, forming a navy composed of the worst ships and the worst seamen in the world. In the beginning of 1851, the French had 40 ships of the line, and since that time two or three had been laid upon the stocks, which, with two others that had been since finished, made up a force of 45 vessels of the line. It was true France had 102 steamers; but they were not generally of any great power. Now what was the naval force of Great Britain? It appeared from official returns that the state of the British Navy on the 1st of January, 1851, was 81 ships of the line, 66 sailing frigates, 16 screw steam frigates, from 24 to 60 guns, 12 screw steam sloops, and 12 steam brigs with paddle wheels; there were also on the stocks, ready for launching, several of the largest ships of the line, four of which were of 120 guns each. He, therefore, thought that we had in the ports of the United Kingdom a sufficient force to defeat the whole of the naval armaments of the rest of Europe; he believed, also, that from our commercial marine we could always obtain a sufficient number of seamen to man them; and there existed also a fleet of merchant steamers far greater in number than those of all the rest of the world put together, which might easily be made available for the defence of our coasts. The present alarm which existed on the subject of a sudden invasion, was a delusion; it was impossible in the present state of intercourse with the Continent that it could take place without abundance of notice. With respect to the Militia Bill, he must say that it was most unpopular, for the people would not believe that there was any necessity for such a measure. He said that there was no occasion to make an increase in our military force; and he hoped that there would be much and serious consideration given to the subject before the House passed a measure which would do little credit to the Legislature, and which would certainly not raise this country in the estimation of foreign Powers. Looking at the state of the finances of Continental Governments, there never was a period when an increased military force was less needed by England. The people of France had enjoyed the blessings of peace for a long series of years, and he believed they did not wish to go to war. They submitted to a strong Government, but their object in doing so was to procure the blessings of peace. He denied that so many ships of war abroad were serviceable for the protection of commerce; and he believed that there was not a shipowner on the Clyde who sent out vessels, and asked at the same time for the protection of ships of war. On the whole, he thought it would be better to add to our regular military force rather than to establish a militia, which would interfere with the industrial occupations of the population. But he denied that there was any cause of alarm for the safety of the nation. If we had been in a state of perfect security during the years 1848–9–10 and 11, there was surely no greater danger menacing us during the present or three following years. He would oppose this mischievous and useless Bill in every stage of its progress; and he trusted that the House would reject a project so obnoxious, that it was condemned by the whole public Press of the United Kingdom, and ridiculed by the most intelligent military Continental authorities.

Sir FRANCIS BARING was anxious to state why he should vote against the Amendment of the hon. Member for the West Riding (Mr. Cobden). He objected to it, because he objected to the return for which he asked. The Secretary of the Admiralty had stated, that he considered it inconvenient for the public service to furnish the information called for by the hon. Member; and his (Sir F. Baring's) own experience led him to concur in that opinion. He had, himself, on former occasions, declined giving returns of a much less specific nature than those now asked for; and when an objection was raised on the part of the department of the Government which was responsible for the production of any returns, on the ground that it would be detrimental to the public service, it was never the practice to compel the production of them, unless under very strong and exceptional circumstances. These were just the returns which an enemy (if there were any), would be anxious to obtain. He was aware that it would be said that an enemy could get the same information elsewhere. So let him. He admitted that the publicity of the press in this country did enable parties abroad to get a knowledge of the proceedings of the English Government, which could not be obtained concerning the proceedings of foreign Governments by us. But let not Parliament get into the practice of furnishing foreign countries with every information they were anxious to obtain, and of which they might make a bad use. He should have objected, therefore, to the return, if it were only on that ground. But that was not the main object of the Amendment. The hon. Member for Manchester frankly stated last night that he supported the Amendment with a view to get rid of the Bill altogether. He (Sir F. Baring) had voted for the second reading of the Bill, and of course he could not be a party to an indirect vote against it. Without entering into the war question, he might observe that he concurred with the most eminent military authorities—with the Government of Sir R. Peel, with that of his noble Friend (Lord J. Russell), and with the present Government—as to the inadequacy of our present military defences. There might be exaggeration in the statements as to any immediate danger; but the question really was, whether their defences were sufficient to secure them against invasion. He admitted that it was for the interest of every country to keep at peace, and among the rest that it was for the interest of the President at the head of the French Government to do so; but he was afraid, judging from the history of the world, that the argument which the hon. Member for Manchester had urged as to the impossibility of France entertaining the notion of invading this country, was scarcely to be relied on. He should derive much more comfort from the assurance that we were in a position to defend ourselves. Returning to the subject of the Amendment, even supposing the return were granted, he could not see what would be gained by it. With great respect to the hon. Member (Mr. Cobden), he did not believe he would, even then, be in possession of sufficient knowledge of public affairs to enable him to judge of what would be a proper distribution of the British fleet. It was the duty of the Government to propose to Parliament the force which they considered adequate for the protection of the country. It was rare indeed that Parliament took upon itself the responsibility of refusing to grant that force which the Government required. But when the force had been granted, it was for the Executive Government to apply it in a manner best calculated to carry into effect that defence for which they were responsible. He should very much regret to see Parliament dictating to the Government in what manner the ships constituting the fleet of this country should be distributed. Without the necessary information it was impossible that any hon. Member should be able to form a judgment as to the distribution of our ships. He was afraid the hon. Gentleman would not gain much by the adoption of some of the proposals which he had made. It was not possible to call all the line-of-battle ships home, and station them in the Channel. The hon. Gentleman appeared to be under the impression that we had a great naval force abroad, without being of any use whatever. With regard to the observation of the hon. Member who spoke last, on the protection afforded by our ships of war to the mercantile marine, he had heard it with unfeigned surprise; but he did not think that any person not connected with a Government could not be aware of the number of applications for protection that were made. There was hardly a day that passed without applications of that nature. He could assure the hon. Gentleman that on many stations, and more especially on the South American station, protection was necessary, and that the great reason why our merchants were not injured was, because it was known that our ships of war would not permit them to be injured with impunity. He was glad to avail himself of this opportunity of expressing his approbation of the good judgment and discretion which our naval officers had exercised in some of the States of South America. The hon. Gentleman had also suggested that ships stationed in the East Indies should be recalled. All he (Sir F. Baring) would say with regard to the present mode of employing those ships was, that nothing conduced more to the spread of civilisation throughout the world than the keeping safe the highway of commerce, the sea. With regard to the African squadron, he would not now touch upon it. He did not believe the people of this country would consent to withdraw that squadron, except under the greatest pressure; and when the Chancellor of the Exchequer the other night made, in his free-trade speech, an allusion to the great advantages which had arisen from the reduction of the duty on sugar, he (Sir F. Baring) reflected with some degree of satisfaction that that result was in a great degree to be attributed to the exertions of that squadron, and that when he left office the slave trade was at a lower ebb than it had been for many a long year. The hon. Gentleman, in commenting upon some observations he (Sir F. Baring) made on a former occasion, appeared to have misunderstood him. He (Sir F. Baring) on that occasion expressed his doubts as to the expediency of keeping up a large fleet in the Channel. The grounds of his doubts were these—he apprehended that the object of their naval defence was to secure their own safety, but, at the same time, to do so by means the least meddlesome and offensive possible to our neighbours. Now the presence of a large fleet in the Channel might excite the jealousy of France. That was the mode in which those who were anxious for their own safety, and also for peace, would distribute any force they had at command. Here he must remark upon a misunderstanding of what was stated by the last Secretary but one of the Admiralty, the hon. Member for Tyrone (Mr. Corry). If that hon. Gentleman meant to state that there was a superiority in the Channel of the French over the English force, then he (Sir F. Baring) entirely differed from the hon. Gentleman as to the fact: but the hon. Gentleman was speaking of the whole force of the French in the Mediterranean, as well as in the Channel, and was comparing it with the British force in the Channel only. Now, he (Sir F. Baring) stated distinctly and deliberately that, at the time and before he left office, and even so early as in December last, there was ample force in the English ports to secure to us a superiority in the Channel, as compared, not with the French ships then in commission in the Channel, for there were hardly any, but with the French ships in port—a force which might have been easily manned by the coastguard and the proposed naval reserve. With regard to the plan for manning the ships which he had proposed, he regretted to find that it was considered by the Admiralty to be inefficient. If they wished to get rid of impressment, he believed the best course would be to carry out the plan of a naval reserve proposed by the late Government. He should have had no reason to complain, if they thought the plan wrong, had they wished for time to consider it, and postponed the adoption of the plan; but he did regret that two officers of the Admiralty should have condemned (and one of them in strong language, too) that plan, and yet that the Admiralty itself should not have abandoned it. Abandon the scheme if you please, but don't say you will try the plan, and then, in the House of Commons, systematically complain of it. He did not consider that fair play to any scheme that might be proposed.

CAPTAIN DUNCOMBE was sorry to have raised the indignation of the right hon. Gentleman by his observations on a former occasion with respect to the legacy left to their successors by the late Board of Admiralty, in the shape of the proposal for a reserve force for the Navy; and he could only account for it by the somewhat amphibious position in which the right hon. Baronet now found himself, and to which must no doubt be attributed the fact, that, though he ought more properly to have confined himself to the subject before the House, he had principally referred to what he was pleased to term the free-trade speech of the right hon. Gentleman the present Chancellor of the Exchequer—a speech than which none more fair or candid had ever been made in that House. The House, however, would remember that those observations, made in the course of a preceding debate, had been called forth by the speech of a gallant Admiral (Admiral Berkeley), one of the right hon. Gentleman's Colleagues, who evidently condemned the plan himself. The present Board saw very great difficulty in carrying out the scheme as proposed by the late Admiralty, seeing that the proposition was not sanctioned by any officers employed in the service. No one subject, however, had had greater consideration than this, or had been more maturely weighed; and the Board had perceived that there would be very great difficulty in carrying it out so as to promote the welfare of the Navy. If the right hon. Gentleman accused the Board of any double-faced dealing, he would state that the consideration of the scheme had not yet been abandoned. The noble Duke at the head of the Board (the Duke of Northumberland) had consulted with experienced officers on the subject, and was ready and willing to carry the plan out to the fullest extent, if it could be proved to be for the benefit of the public service.

SIR FRANCIS BARING was not aware that he had used, and did not intend to use, any words the effect of which was to throw any imputation upon the honour of those who were now in office at the Admiralty. He thought it hardly necessary to make this explanation, which must have been rendered necessary by a mistake on the part of the hon. Gentleman opposite.

MR. HUME said, when the Militia Bill was first proposed by the noble Lord (Lord John Russell) he had stated his objection to the principle of the Bill, as not being consonant to the feelings and ideas of the age, and to the experience of the Militia Bill of 1801. Since then he intended to have contented himself with that opposition, and with voting against the Bill in all its stages; but there had been such extraordinary statements, and such a number of preposterous allegations made, that he felt bound to state the view he took of the question. The hon. Member for the West Riding had moved for returns to show our naval strength in all its details, contending that until those returns were granted the House ought to defer the discussion on the Militia Bill. He was astonished how any hon. Member of the House, or any Member of the Government, could call those returns unnecessary, and merely asked for the purpose of postponing the debate. Doubtless it was intended to postpone the Bill till this information was obtained; and, for his part, he would be for postponing it until the present panic had wholly passed over. There were only two classes of persons who were affected by the present mania of invasion; the rest of the people were uninfected. Let them look at the many petitions that had been presented from various parts of the country, praying that the Bill might not pass. He thought it was important the House should have before it the information now sought for; and he was surprised to hear the right hon. Gentleman opposite the late Secretary for the Admiralty (Sir F. Baring) deprecating the affording this information on the ground of secrecy, and that if communicated it would be made use of by the enemy. Who was the enemy, he should be glad to know? He would never allow the French nation to be called the enemy of the English people. He contended that the overt acts and speeches of hon. Members and the Government were ten times more hurtful and irritating to the feelings of the French nation than anything else he could imagine. Moreover, the information now desired was already before the country, and patent to all the world: it had already been furnished to a Committee which sat on Naval Affairs for three years. He had the information in his hands which was now sought to be obtained, every night up to that night, and now, it was very odd, he had forgot to bring it down with him; but he could tell hon. Gentlemen that they would find it in the Appendix to the Report of the Committee, and it contained the numbers of ships employed for a number of years, down to 1847, the number of men and guns, and on what station they were posted. The reports and the returns on the subject were open to the world, and therefore he hoped the House would not for a moment listen to the pretence of secrecy. Then, as to delay, it was said that the *Nautical Almanack* would afford all the information wanted: if so, France could gain the same information from the same source. The pretence of delay was as ill-founded as the pretext of secrecy. When the noble Lord introduced his Bill, he (Mr. Hume) asked if any information could be given to warrant the alarm and panic which was said to be felt? No information could be given—the noble Lord admitted that he had none. The Queen's Speech spoke of being at peace with neighbouring nations; it was still the same, and the alarm was altogether unfounded. Why, then, was a Bill introduced which looked like preparation to meet some expected hostility? There was a period when France really intended to invade this country; but did not the whole nation turn out to meet and repel the attempt, and the whole country bristled with bayonets from one end to the other? Would not the same thing be done again? It would be done again at this moment if it were necessary; therefore there was no need for this Bill. He would call attention to the state of our military defences. Taking the respective positions of England and France, he contended we were better prepared for defence than the French were for attack, even though that Power had a much larger army. If they would look at France and her military necessities, hon. Members would find that France had not even 60,000 soldiers which she could spare for hostile aggression, while we had more than 80,000 available for defence. He had been told by the right hon. Gentleman opposite that we ought only to reckon rank and file in our defences; but all he knew was that we paid for the services of a much larger number. Since 1835 our land forces had greatly increased, and we had at this moment a regular force of 161,000, more by 40,000 than when the Duke of Wellington was at the head of the Government. Our Army had been increased from 120,000 to 160,000 men, and yet they were told that nothing had been done to protect the country. Then as to the Navy—26,000 or 27,000 men were all the Duke of Wellington required—we had this year voted 44,000 men, seamen and marines, for the naval service of the country. Since the report of the Committee was made, which he proposed to move for shortly, he should be glad to know what had been done towards improving our harbours and ports? What took place in 1844? The Duke of Wellington and the Government of the day took the alarm about the intentions of France. Did the Government then stand still? No; we had had the benefit of that alarm, and in the evidence of the Committee upstairs they would find that three captains were appointed to survey our coasts from the North Foreland to Cornwall. The purport of Sir T. Hastings' evidence, when examined by the Committee, was to the effect that he had no document or evidence to show that danger was threatened to our coasts. All he could say was, that Joinville said, "France could not cope with us in large vessels, but could in small vessels; and all that France required was a sufficient number of small vessels to carry a sufficient number of troops, in order to land them on our coasts." The right hon. Gentleman the Secretary at War had spoken of the ease with which 60,000 men could be landed on our shores; but he was astonished to think how any man could believe that 60,000 men could be thrown on our shores in one night, or even at all, considering the means of prevention we had at command; and he had, moreover, with all the innocence in the world, given an example of 6,000 men being landed in six hours at New Orleans, as a proof of the facility with which troops could be landed. But the hon. Gentleman forgot that England had the command of the seas, and that the troops on that occasion were landed on a thinly inhabited coast; neither of which circumstances would be the case if a hostile force were to attempt a landing on the shores of England. The noble Lord the Member for Tiverton (Viscount Palmerston) had also talked of 60,000 men being embarked from Cherbourg without warning. Why, the noble Lord knew that we had "licensed spies" all over the Continent, as the noble Lord was himself reminded by an hon. Baronet (Sir Robert Peel), who had formerly acted as one of those spies; and what would they be about if all these preparations were to take place without their knowledge? Or, if they should neglect their duty, were there not the agents of the press? And were there not, above all, the agents of commerce, whose fine filaments vibrated to every breath in the political atmosphere. He was ashamed of the ignominous panic which had appeared, and which was unworthy of the English people. Since the panic of 1844 we have had the coasts visited and surveyed, and much money had been spent in necessary works and defences. Basins for steam vessels had been formed at Portsmouth and Plymouth, and considerable sums had been expended in works connected with those and other ports. It could not be said, therefore, that nothing had been done of late years to protect our coast. At present the military and naval forces were greater than they had ever been since the peace, and were much greater than the country ought to maintain. Believing that the alarm was unfounded, he wished to direct the attention of the House to the question in a financial point of view. The hon. and gallant Member for Westminster had referred to our irregular forces, and had told them that he considered them almost as good as the regular army. They consisted of volunteer corps and yeomanry cavalry, 13,620; enrolled old pensioners, as good soldiers as could be found, 16,500; militia in the Channel Islands, and militia staff of this country, 10,000; dockyard battalions, 9,246; and coast guard, about 6,000—in all 54,000, which, added to the regular force of 161,000, made a total of 215,000 men. There was another class of men which should be fairly included in the list; he meant the police force, which might be converted into a powerful defensive force. The police of the metropolis numbered

5,780; the county police of England and Wales, 2,749; the police of Ireland, 12,000 —in all, 20,632, which, added to the amount of the regular and irregular force, gave a total of something like 237,500 men armed, or capable of being instantly armed. Assuming the number required for foreign service to be 56,500, there would remain 180,000, who were either in arms, or might be speedily put in arms, for what might be called the service of the country at home. Both the hon. Member for North Warwickshire (Mr. Newdegate) and the Home Secretary (Mr. Walpole) had referred to the Duke of Wellington's letter to Sir J. Burgoyne in 1847. He must say if he had been the adviser of the noble Duke, that letter would never have been written. But if the authority of the noble Duke was to be referred to on this question, they ought to adopt the remedy pointed out by the noble Duke. The hon. and gallant Member near him had informed them that during the war the militia force amounted to 300,000 men. Now the recommendation of the noble Duke was to raise, embody, organise, and discipline the militia of the three kingdoms to the same extent as it existed during the war. If, therefore, such a recommendation was a proper one, what a petty and insignificant remedy would the measure before them be! His belief was that it was not necessary. We were a panic-struck nation just at present; or rather we had a panic-struck Ministry. Both the late and the present Ministry were affected, and now he was afraid the panic had caught the House. He wished, therefore, the House not only not to proceed with the Bill, but to reduce our military armaments to what they were in 1842. The Chancellor of the Exchequer, in his able statement the other night, said that they ought not to legislate against the feelings of the country. Why did he not apply the same principle to the Militia Bill? Now, not one petition had been presented in favour of this Bill, though upwards of a thousand had been presented against it, and meetings had everywhere been held to protest against it. It was against the feelings of the people, and it would be against their interest, for it prevented the remission of a number of taxes. If the Militia Bill were not passed, the hop duty might be taken off to-morrow, and the advertisement duty might speedily follow. It was on these grounds that he hoped Ministers would withdraw the Bill, and apply the money which would thereby be saved to the reduction of the hop duty and the advertisement duty. At all events, if the Bill was to be proceeded with, they ought to have the return moved for by the hon. Member for the West Riding.

MR. CHARTERIS: I do not wish, Sir, to enter into any controversy upon the statements of the hon. Gentleman who has just sat down; but I must express my astonishment at the self-confident tone in which the hon. Gentleman and his Friends enunciate their opinions upon military matters. Any person who has attended here to-night, or who may have heard the preceding debates upon this subject, may naturally suppose that not only do those Gentlemen monopolise all the intelligence, but all the professional knowledge of the country. Why, if we want a correct opinion as to the state of the national defences, it is not to the Commander-in-Chief, or the Master-General of the Ordnance that we must apply, but to the hon. Member for Montrose, or to the hon. Member for the West Riding. But, Sir, this is not the first time that discussions have taken place upon a similar subject. On referring to a time gone by, I fell in with a speech of Mr. Windham's, in 1803, delivered during a debate upon the Military Service Bill, in which there is a passage by no means inapplicable to the present state of things. Mr. Windham said—

> "We were told daily of the impracticability of invasion, by eminent lawyers, by many sound divines, by many worthy country gentlemen, by many respectable merchants, by many intelligent manufacturers, and by many very handsome women. The only persons from whom we did not hear those opinions were our soldiers and sailors. Ask a sailor whether with any superiority of naval force he could ensure the country against an invading army. He would tell you that he could not engage that an enemy should not effect a debarcation on various points even in considerable force. But put the question to the landsman, to the man who never saw the sea but from Ramsgate or Brighton, and who never embarked in anything but a bathing machine, he would say that to talk of invading a country in the face of a superior navy, was the idlest of all follies; and so long as we had our wooden walls —or more properly he (Mr. Wyndham) should say, our wooden heads—we should never treat invasion as other than a threat to frighten children." —[*Hansard's Parl. Hist.* xxxvi. 1631.]

This speech was made in 1803; and in the year following all England was up in arms to repel the threatened invasion from France. The speech was, therefore, made at a time when we may suppose opinions were expressed similar to those entertained by some hon. Gentlemen in this House. I have not the self-confidence upon military matters which is enjoyed by those Gentlemen. In military matters I am disposed to bow to the authority of military men, without attributing their opinions to the imbecility of age, or unworthy or improper motives, such as a wish to aggrandise or exalt their own position. I cannot but think that hon. Gentlemen who oppose our going into Committee upon this Bill, are not supported by public feeling out of doors. There may be petitions upon the subject, but the language of those petitions refers more to the compulsory clauses of the Bill than to the Bill itself. If you test public opinion by the language of the press, or by the debates in Parliament, you will find that there evidently is a strong feeling of insecurity with regard to the state of our defences, and that the people earnestly desire that some steps should be taken to render our position more secure than it at present is. I hope, therefore, that we may be allowed to go into committee as speedily as possible, and that we shall endeavour to make the Bill a complete measure of defence.

Mr. MITCHELL said, that the Chancellor of the Exchequer had last night charged him with attempting to delay the progress of this Bill by moving the adjournment of the debate. He believed that during the twelve years he had been in Parliament he had not voted more than three times for the adjournment of a debate. But in the progress of a Bill there were three points at which the principle of it could be discussed—on the second reading, on the going into Committee in the first instance, and on the third reading. If the Amendment of the hon. Member for Manchester had been negatived last night, no other Amendment could have been proposed, and he did not think that the right hon. Gentleman was entitled to charge him with delay for seeking for farther discussion upon the question. He would not go into the military part of the subject, which he did not understand. But the right hon. Baronet the late First Lord of the Admiralty (Sir F. Baring) stated that our Navy was kept up chiefly for the protection of our commerce. It was quite possible that when some new island was discovered, where a little guano was to be found, there was an application made to the Admiralty to send a ship of war to protect a trade that was not worth protecting; but that was not the case in places where a great trade was carried on. For instance, in the Mediterranean, where we had a large fleet, he could insure a vessel of any foreign country quite as cheaply as he could a British vessel. He objected to the Bill because of the nature of the service it would introduce into this country. The Secretary at War, and a higher authority, the noble Lord the Member for Tiverton (Viscount Palmerston), said it would be impossible to keep any increase in the regular Army. There was no ground for that statement. If an increase of our defences were required, let there be an increase of our standing Army. There was no ground for saying that such an increase would be opposed by a majority of the House. He believed that if it were necessary to increase our national defences, the proper mode to effect that object would be to increase the standing Army. A militia might be raised in two modes—either by voluntary enlistment or by the ballot. Now, he believed that under the voluntary system, with the addition of a bounty, they would collect in their new force all the scamps and vagabonds of the country; and he wished the country gentlemen joy of the vast constabulary force which they would have to keep up in order to protect themselves against those armed militiamen, after their twenty-one days of discipline. Supposing, however, the system of voluntary enlistment succeeded in bringing together a considerable number of respectable young men, what would be the effect? The Secretary at War congratulated himself that, if young men could be induced to serve for twenty-one days as volunteers, they would become so delighted with their vocation as to be disposed to enter as regular soldiers in the Army. Now, if there was one thing more likely than another to create dismay in every family throughout the country, it was a remark of that kind. It was his own impression that a bounty of 6*l*. would not be sufficient to obtain a force of 80,000 men. Then came the other alternative, which had been carefully kept in the background by the Government—the system of compulsory enlistment by ballot. To this he would give his most determined opposition. On Friday night the Chancellor of the Exchequer laid down the principle, in which he (Mr. Mitchell) entirely concurred, that direct taxation should be extended to the people according to their means; but the Militia Bill would have the effect of taxing the various classes of the people in a most unequal manner. For instance, if the noble Earl, with his 100,000*l.* a year, who created such a hubbub last year by his letters to the *Times,* happened to be balloted for to serve in the militia, all he would have to do would be to request his steward to find a substitute; this would probably cost him 10*l.* On the other hand, if a labouring man, engaged in a manufactory, were drawn, and wished, rather than risk the loss of his employment, to get some one to take his place in the corps, he would most likely have to pay a like sum. They would, therefore, both contribute an equal amount towards the defences of the country. This he called gross inequality and injustice. But if, instead of 80,000 militia, they were to make an addition of 20,000 men to the standing Army, the expense of which might be paid by adding one-half per cent to the income tax; the working man, if the income tax were extended to incomes of 50*l.*, would pay 5*s.* for the increase, while the noble Lord would have to pay 500*l.* He looked upon the cost of our national defences as an insurance; and it was just that the amount paid by individuals should be in proportion to the amount of property they had to be protected. Any Government who ventured to force a compulsory ballot upon the country would be doomed within three months. The necessary consequence of the Bill, if it passed, would be a system of impressment like that adopted in the Navy, and the deprivation of large classes of the people of the value of their labour.

Mr. COWPER said, that as he was one of those who had been accused by the hon. Member for Montrose of being under a panic, he could not be silent. That hon. Member treated invasion as impossible. Some confusion might be escaped by distinguishing between two modes of impossibility. Invasion might be physically impossible, so that if attempted it could not succeed. That was to be decided on military and naval grounds by those who made war peculiarly their profession; or it might be impossible that it should be attempted in the present state of Europe. Of this the general information within the reach of politicians should guide them, rather than the technical considerations of military art. On this point the hon. Members for Montrose and the West Riding might speak without getting beyond their depth. The hon. Member for Montrose seemed quite charmed in having his opinion as to the impossibility of an invasion succeeding, placed above that of the Duke of Wellington and other military authorities. If, however, he looked to all the high authorities who had made the theory and practice of war their study, and were accustomed to the embarkation and disembarkation of troops, they declared there was no such impossibility of invasion as ought to prevent the country doing its best to provide against it. It was fortunate that the greatest living master of the art of war, and the most successful general that history records, should be spared to give his opinion on so important a subject; and the chief officers who had served under him, as well as those who had served in more recent wars, were of the same opinion as the noble Duke. It was well known that the opinion was never intended to be made public—it transpired incidentally and accidentally; but perhaps it was the more valuable because it was intended for the perusal of a friend, and not of the public. No doubt since 1847 great additions had been made to the defence of the country; but the 150,000 men which he declared to be requisite, had not yet been provided, and no prospect existed of seeing them under arms without this Bill. But if hon. Members sneered at the opinions of British officers, they might attend to those of foreign officers. Prince Joinville said that, by the aid of steam navigation, wars of the most daring aggression might be committed at sea—that the certainty of movement was so great, they (the French people) might calculate upon an action not only to the day, but to the very hour; and that with a steam navy they might inflict great loss and suffering on the coast of a nation which had not hitherto experienced the miseries of war, and the misery which followed in their train. He added that nothing could prevent a force before morning landing on the British shores, where they might act with impunity. Now, he would ask the hon. Member for the West Riding, whether he had that confidence in the forbearance and civility of French officers as to suppose that they would be incapable of doing that which had been coolly and deliberately suggested by a Prince of the Blood! Did he not think it possible that steamers might start from the opposite shore at the commencement of night, and before morning appear on some part of our coast, and burn and destroy one or more of our seaport towns, to the great humiliation of the honour and dignity of England? The hon. and gallant Member for Bath (Captain Scobell) trusted exclusively to the Navy, and yet he admitted that the shores of England would not be invulnerable, if there were a bad distribution of our vessels, or some blunder in the management. Now, though the Navy was equal to former times in valour, skill, and discipline, he was not disposed to trust to any one mode of defence. He would rather have two strings to his bow, in case one should break or get out of order. He would have a powerful fleet in the seas, and also an Army which could overcome any invading force that might land in England. Another French general, in a letter to M. Thiers, in 1846, said steam had thrown hundreds of bridges across the Channel, and that they might pass at any time, and in any weather, from France to England. The same authority also remarked, that at the moment he wrote, there were 1,430 naval officers in France, and that if the question were put to them, whether in the present state of naval science they could make a descent on England, every voice would answer in the affirmative. Among military and naval officers in France, the invasion of England was a favourite topic of discussion, and a great number of pamphlets had been written on the subject. Whether it were the mode generally attributed to General Changarnier, of landing a large army, and marching to London, or the scheme for going to Ireland, it afforded much amusement and speculation to all the scientific officers of France who took an interest in discussing the best means of attacking this country. And though hon. Members might talk of invasion as Utopian, our neighbours across the Channel treated the subject as one of practical importance. There had been such a general admission that the country was not properly defended, that if the opposition to the present or any other Bill for increasing the national defences succeeded, a temptation would be thrown out to enemies to attack us. There were some things in the Bill of which he did not approve; but he was desirous of some increased force. He did not expect the militia would have to fight, but their enrolment would be effective in preventing attack. It would be a disgrace to the country if the Session were allowed to pass without some important addition to our defences. The whole inhabitants of these islands came originally as invaders,—thus proving that our insular position was not a sufficient security. He thought the allusion made to General Hoche unfortunate, for if his expedition, consisting of 17 sail of the line, besides frigates and other vessels, in all 43 ships, carrying 15,000 men, although their preparations and their intentions were announced, yet contrived to escape two of our fleets, for sixteen days, to invade Ireland, and to return to France, we must not trust to a security so fickle as the winds and waves. He respected the hon. Member for the West Riding for his feelings in favour of a brotherhood of nations and universal peace; but the members of the Peace Society seemed to imagine that they would best promote peace by diminishing the military forces of the country. But there were two ways in which peace might be sought: the one was by submitting to aggressors, and the other by being strong enough to overcome them. If peace were sought too exclusively, she would fly from the wooer. Peace was a reward given to the courageous and the just, but not to those who sought it by the sacrifice of honour. They could not get it as suppliants, but could impose it by being stronger and bolder than their enemies. He believed that by supporting the Militia Bill he should be best maintaining the interests of peace; and that the true principles of peace would be best carried out by making this country strong, and by saving it and the whole civilised world from the ruin and misery which would follow, if the greatness and civilisation of England were destroyed by a hostile invasion.

Mr. CLAY was told, that as a civilian, he had no right to an opinion in a military matter. But the real question was the danger of invasion. This was a civilian's question. He would not go back, with one hon. Member, to the invasions of the Danes and the Saxons; but the hon. and learned Solicitor General for Ireland had reminded the House that the various questions raised in this debate had been put in the time of Mr. Pitt, and answered by that great man. It was interesting to observe that the hon. and learned Gentleman had not got beyond the days of Mr. Pitt; but he (Mr. Clay) would rather be answered by the good sense of 1852, than by the good sense of 1802. Good sense, it might be said, was eternal. True; but circumstances changed. In 1802; and for many years after, there was an understood necessity that we should mix ourselves in every European broil; and when our hand was ready to be raised against every one, we might reasonably fear that every man's hand was ready to be raised against us. But now, if there were any feeling stronger than another in the breasts of the people of this country, it was the feeling against invasion or going to war with our neighbours. In these days the universality of the feeling against intervention in the concerns of our neighbours, was the best security against foreign interference with us. He believed that this country was further from being engaged in war now than she ever had been; and Europe as far. But, supposing that there was some cause for fear, what was the best means of defence? Was it imagined that the naval and military authorities were at unison on the subject? So far from this, he had not heard one who heartily supported this Bill, believing it to be the best means of defending the country. On all that he had heard, he came to the conclusion that the militia was as bad a way of defending the country as could possibly be hit upon, and would cost as much, if not in money, yet in idleness and disturbance. He agreed with the gallant Admiral (Admiral Berkeley) that if there was a proved necessity for providing for our defence, it would be best found in an increase of our Navy, placing the vessels, and some 7,000 or 8,000 additional sailors, for this especial purpose, under the command of the most able naval officer who was to be found. In that case he believed that any competent Admiral would answer for it that no enemy's force would be able to effect a landing in this country. He considered also that the Government would act wisely in encouraging the rifle corps throughout the country, which would introduce amongst the people habits of organisation, as well as feelings of military spirit, and that spirit of self-dependence which would be our best resource in case of invasion.

VISCOUNT PALMERSTON: Sir, I can assure the House I shall detain them but a very few moments; and I should not have presumed to address them again on this subject in this stage of the debate, but as I have been alluded to so frequently by hon. Gentlemen in my immediate vicinity, I really cannot but reconcile myself to saying a few words in reference—I can scarcely say in answer—to what has fallen from them. Sir, the only answer I can make to the assertions of my hon. Friends is, to meet assertion by counter assertion—their denial of my opinions by an equally strong denial of theirs. The only answer they have given to the observations it fell to my lot to make on a former occasion, was to express surprise that those opinions should have come from me, and a confident belief in the correctness of their own. My hon. Friend the Member for Manchester, and the hon. Member for the West Riding, and some others near them, are firmly convinced that an invasion of this country by a force from France is an utter impossibility; and believing it an utter impossibility, they think it is the height of absurdity that this country should make any provision to guard against an impossible attempt. I think, on the contrary, that such an event is possible—to use no stronger word—in certain cases, and I think it is the duty of the country to make a provision to guard against such a danger. The country will judge between these Gentlemen and me. If I am wrong, and if the advice which I give is followed, at all events the country is safe: if they are wrong, and the advice which they give is followed, the country may be ruined. Now, Sir, these hon. Gentlemen dispute the authority, they will not admit the opinion, of officers of great experience; of sailors who understand their profession; of men who have practical knowledge, and have personally faced the dangers they call upon the country to provide against. Those Gentlemen, whose habits of life have been conversant with the peaceful arts, with manufactures and industry, who know nothing of war or the chances of war—who know nothing of war or the means by which war is carried on, or by which it must be resisted—those Gentlemen wish to lull the country into a feeling of security, and to prevent them from taking any measures to provide for their own defence. They have disputed English authorities. We have heard just now, from an hon. Friend of mine, foreign authorities quoted, expressing exactly the same opinion with those English authorities. But I have heard—and I believe the truth of what I have heard—an opinion expressed from a very high foreign authority, bearing upon this question. I have heard, and I believe it, that the late King of the French, when he visited this country, after that dispute which arose upon the question about Tahiti—and, by the by, it is not inopportune or irrelevant to this matter to remind the House that upon that occasion, when this country was on the point of being engaged, totally unprepared, in war with her powerful neighbour on that question, the men who were the loudest in those declamations which were calculated to bring on a rupture, were the very men who are now preaching peace—I say I have heard that on that occasion the King of the French, rejoicing at the peaceful termination of that dispute, said, however, that he had been told by his generals at the time, that if a rupture had taken place, they would have undertaken that within a week they would have been in London. Now, that opinion may have some weight with those who dispute the opinions of English generals and English admirals. Much misapprehension has occurred of things that have been stated by those who agree in our opinion in the course of this debate. My hon. Friend the former Secretary to the Admiralty is supposed to have stated that the French have in the Channel a force stronger than we could at present muster in Channel. My hon. Friend did not state that. His statement, I apprehend, was this—that the French, by the means they have at their command of quickly transferring from the Mediterranean either the crews of their vessels there, or the ships themselves, would have the opportunity and the means, within a shorter space of time, of bringing into the Channel a force superior to that which we, in the outbreak of a war, would be able to present. Sir, I have been supposed to say that the expense of 15,000 regulars would not be greater than that of 80,000 militia; and my hon. Friend who made the allusion just now, seemed to mix up that question with the question of the ballot, and I don't know what else. What I said was this, that the annual cost of maintaining 80,000 militiamen, during the twenty-one or twenty-eight days that they might be out to be trained and exercised, would not be greater than the expense which would be incurred for maintaining 8,000 regular troops all the year round; and it was my opinion that we should contribute better to our contingent means of defence by having the power of calling out within a week 80,000 men under arms, than we should do by maintaining 15,000 regular troops. My hon. Friend challenged us to say when it was that this House had refused to grant to the Government the force which the Government though essential for the defence of the country. Why, fortunately this House has not yielded to those very energetic appeals which we have heard from my hon. Friend the Member for the West Riding and others, to reduce the very limited force which has been deemed sufficient from time to time for the immediate emergencies of the public service; but I will put it to them what would be their expectation of success for future Motions of this kind, if the Government had now proposed an addition of 20,000 or 30,000 to the regular Army, and at the end of two years they had been able to say—Why, you got this force under a panic of invasion: there has been no invasion; and now, for Heaven's sake, don't burden the country with a force which experience has proved to be wholly unnecessary for the purpose required? Now I have the greatest possible respect for opinions which are sincere, and founded upon deep conviction; and therefore I am far from treating with anything like disrespect those opinions which I believe to be at the bottom of much of the opposition which has been given to the measure now under discussion. Those opinions and convictions have not hitherto been fully and broadly stated by those who have taken part in this debate; but they have been broadly stated in a pamphlet I hold in my hand, and which is not unworthy the consideration of those who have turned their mind to this subject. It is a pamphlet ably written, and evidently with a deep and serious conviction of the principles therein laid down: that it is contrary to the Christian religion to do violence to any man, even to an enemy. The object of this pamphlet, then, is to show that it is the Christian duty of this country to be conquered by France. It is in the shape of a dialogue, exceedingly amusing, between two gentlemen engaged in a rifle club. The title is, *The Rifle Club, or the Manual of Duty for Soldiers*—a very odd notion of a soldier's duty certainly. One of the speakers in this dialogue paints in vivid colours the result of the supposed invasion. He says, "I grant you that 250,000 men may come over to our shores from France"—a good way, let me remark, beyond my more moderate estimate of 50,000, which is supposed overrated—"they will come unopposed—they will take possession of London—they will seize the Bank, where, though they will not find the 18,000,000*l.* sterling supposed to be there, they will levy heavy contributions on the city of London—the Parliament will be swept away—the courts of justice will be abolished—the French general will issue writs, and a new Parliament will be called consisting simply of Frenchmen—

the *Code Napoleon* will be substituted for the law of England—the Sovereign will live like a private individual in Scotland—the Government, of course, will be annihilated, and the country will be entirely governed by this French army which has thus invaded us. But then," adds the writer, "what will that signify?—we shall go on working our mills. We shall stand behind our counters, and sell our wares in our shops. People must eat. They will want clothing. We shall supply their wants, and we shall go on making money." But one might say to these gentlemen, that if that event should ever happen, those who might make money might find an application to themselves of those well-known lines—

> "Sic vos non vobis nidificates aves,
> Sic vos non vobis vellera fertis oves;"

and they might find, as well, the truth of the French proverb—"Those who make themselves sheep will not fail to be eaten up by the wolves." Again, this pamphlet goes on to say, that that state of things will astonish the whole world. That at first the French will think that there was an ambush; but that weeks would roll away, and that no ambush would be discovered; and then there would be amongst these 250,000 men some man of deep reflection, some man of deep Christian feeling, who would be struck by so glorious a spectacle as a nation remaining without resistance under the invasion of a foreign foe—that the news will go forth to Russia, Austria, and Prussia—and that in the course of time, after some fifty or more millions sterling had been removed from this country to France, the French would be so terribly ashamed of their position—they would be so terribly ashamed of the very ridiculous position in which they had placed themselves—that they would all go back to France, and leave this country to its own resources. Nay, so deeply would this sense of ridicule—to which the French, we know, are more susceptible than any other people—be impressed upon their minds, that they would offer to send back the fifty millions sterling which they had taken from our bankers, and our merchants, and our tradesmen, and our country gentlemen. Then, say the pamphlet, they would be "done" again. For we should show them a still more glorious example—we would magnanimously refuse to receive the money. [*Laughter*]. Now these statements may excite risibility in this House; but I firmly believe this is written in sober earnest, and is not at all meant as ridicule. My hon. Friend may laugh; but if he will read the pamphlet he will see that there runs through it a tone of sober seriousness that convinces me that those who wrote it are, in fact, that party at whose instigation much of the opposition that has been made to this measure has arisen. Now the House and the country are to determine between two alternatives. The one is, whether they will, as required by the party from whom this pamphlet emanates, voluntarily submit this country to the miseries and the iniquities (for these are the words of the pamphlet) of an invasion by France as a just atonement for the sins which this country has, in former times, committed by engaging in war (for that is the ground on which this proceeding is urged)—the Parliament and the country are to determine whether they will be voluntarily the victims of this system of submission which is recommended by those whose organs, I must contend and believe, are now opposing this measure in this House and in the country, or whether they are still sufficiently wedded to those ancient notions of independence and of self-vindication which will lead them to resist a foreign invader, and to provide a timely means by which that invasion, if it ever should menace this country, may be successfully resisted.

Mr. WAKLEY said, that the noble Lord who had just resumed his seat commenced his speech by stating, in replying to the observations which had been made by his (Mr. Wakley's) hon. Friends relative to this measure, that all he would do would be to answer assertion by assertion; and he had kept his word, for he had not adduced one argument, fact, or statement to prove the policy, the expediency, or the necessity of enacting this measure. He was astonished that with his gigantic talents the noble Lord should have fallen into the unfortunate position of quoting such despicable trash as he had addressed to the House. The noble Lord had not informed them who was the publisher or the author of the pamphlet from which he had quoted; but he (Mr. Wakley) strongly suspected that it was published at Highgate, where there was an admirable asylum for lunatics and idiots. He recommended the noble Lord to visit it; he was sure the noble Lord would admire it, and the kind of intellect he would find there. To quote such trash as that! He did not wonder the late Cabinet fell to pieces—he only wondered it held together so long, compounded as it was of such heterogeneous materials. The noble Lord spoke reproachfully of his hon. Friend because at one time he was desirous of adding to the defence of the country; and told them what King Louis Philippe said, after visiting this country in 1844; but the noble Lord was Foreign Minister after that period for years, and he wanted to know, if the noble Lord believed what the French King said, why he omitted to act upon that belief, and come forward at once, and say, "Our country is in a defenceless state, we are apprehensive of invasion, and this I propose to do for our protection?" But the noble Lord, instead of that, only came forward with his support now to the present proposition, never having himself made such a proposal to the House. The noble Lord, by his inactivity when in office, showed that he had credited no such notion. The noble Lord, indeed, had created an impression that he himself was of so warlike a turn, so capricious, so touchy, so tenacious towards foreign Powers, that there was no security for peace while he remained Foreign Minister; but, in his Mr. Wakley's) opinion, this was an impression wholly unjust. He was satisfied that the country owed a deep debt of gratitude to the noble Lord for his conduct as Foreign Minister, which had placed England, with regard to foreign States, in a better position than ever she enjoyed before; and he deeply regretted that the noble Lord had been so frequently thwarted in his policy; and he did beg the noble Lord to maintain his hitherto exalted character, and not descend for one moment to give credit to such imbecile, monstrous, and absurd statements as he had read to the House. The blockhead of a writer quoted by the noble Lord said something about "working their mills" as before—ridiculous enough in itself; but there was an ironical cheer at the passage on the other side of the House, which was more ridiculous still. Gentlemen opposite knew perfectly well that there was something more potent about mills than they affected to admit; among other effects produced, mills had ground the party of Protectionists into a party of Freetraders. ["Oh, oh!"] Oh, yes! they might make wry faces; the operation might have been remarkably disagreeable, but the operation had been performed; witness the Budget of last Friday night. 'Twas the mills which had done it all; 'twas the mills which had saved the country, so don't let Gentlemen opposite reproach the mills, and don't let them reproach their master and teacher, Richard Cobden. ["Oh, oh!"] Ay, their master and teacher, and a greater man than any of them. As to this Bill, he had listened until his ears ached, in the hope of hearing something that would justify the bringing forward of this Bill. It was quite lamentable to see the Government, because they had nothing of their own to propose, picking up the dirty rags left by their predecessors. He believed that the liberties of no country which had a numerous army were safe. But hon. Gentlemen who supported this measure said that they dreaded an invasion. They knew, however, very well, that they had no such dread—that such was the patriotic spirit of our countrymen, that so beloved were our institutions, and so revered and respected was our Sovereign, that if foreign invaders dared to put foot on our soil, the nation would rise as one man to repel them. He would ask the right hon. Gentleman the Secretary of State for the Home Department (Mr. Walpole) whether he believed that the skilled mechanics would quit their employment and come as militiamen for a shilling a day? The fact was, that the only class they would get would be the farm labourers, and they would thus by this measure inflict a most pernicious annoyance and a very grievous evil upon the tenant-farmers. This Bill was a most dangerous, unwise, and pernicious measure, and he, for one, should feel it his duty to give it his most uncompromising opposition at every stage of its progress.

COLONEL THOMPSON said, there was another question yet, on the subject of the pamphlet quoted by the noble Lord. Was it quite certain, that the House had not fallen into the jaws of a burlesque? Were hon. Gentlemen who had expressed such violent delight, sure that the joke was not against them, and that the authors of *Punch* had not been laying a snare for their applause? No doubt, there were well-meaning individuals who honestly carried their principles to an extreme; but he doubted whether any collection of men, whatever their particular opinions, would fall into the impolicy of seriously committing themselves to such a production. As he meant to agree with the wishes of his constituents, he would shortly state why he had determined to vote against this Bill. The reasons were three. First, he concurred with his constituents that the danger which might once exist, had passed away; he had full belief in the readiness of the French army and navy to invade us if they could; but they had lost their tide, the opportunity had passed. He seriously believed, that if the energies which were applied to taking the Algerian generals out of their beds, had been directed on the instant to making a point on London, the chances of success in one, would have been about the same as in the other. But that danger was over: the thing could not take place now without the usual premonitory symptoms. The second reason was, that the measure proposed was not the measure most expedient to adopt. The third reason was, that his constituents might have more objection to see a militia in the hands of the present Ministers, than they would have had to some others. It was quite true that if Ministers proceeded as on some late occasions they had done, this objection might be in the way of being taken down. But on the present, the manufacturing districts had a bitter recollection of what they denominated "Peterloo." He spoke in presences on both sides of the House, before whom he should be sorry to commit himself to any military folly; but he had a conviction that there was no officer of his acquaintance who, if the necessity arose, would not rather lead ten volunteer riflemen than twenty local militia, or who would not consider a hundred volunteer riflemen dismounted, and twenty mounted, a more effective command than a regiment of the others. Let it be observed, he was not speaking of the old regular militia, who were as good infantry as any regiment of the line which did not happen to have been sent abroad. Neither was he speaking of the Yeomanry, who, if they had come out to join the light cavalry regiments in the Peninsula, would in a fortnight have been made into capital patroles. But he spoke of the local militia as it was now proposed. For these reasons, notwithstanding the way in which their end of the bench had been shot at of the archers, he must vote with the supporters of the Motion for reports.

Mr. HENRY DRUMMOND said, that if it was true that the author of the pamphlet which had been quoted by the noble Lord was indeed a new *Punch*, who had laid a trap for hon. Members opposite, he thought he should be able, before he sat down, to show that there were many Punches in the House. It would add much to the liveliness of the debates; and he was sure that the House would receive with lively satisfaction the intelligence that the publisher of this humorous pamphlet was at present a candidate to succeed his hon. Friend Mr. Fox Maule as representative for the town of Perth. Before he proceeded further he must observe that he had no love for a militia nor for a standing Army. He should have been much better pleased if the noble Lord at the head of the late Government, after having been sitting for six years upon this egg (which he had at last only half hatched), had brought forward a measure of defence more adapted to the present circumstances of the country, instead of trusting to a standing Army, which, as it was at present, was only the creation of the last war, or to a Militia Bill, which was not applicable to the existing state of things. But this was the only measure which those who were charged with the defence of the country had brought forward; and the House were therefore compelled either to adopt it or to leave the country undefended. He believed, with the hon. Member for the West Riding, that there might be a better distribution of our forces. He should certainly like to see the whole of our troops withdrawn from the north of England, and stationed in the southern counties. He could see no reason whatever why any troops should be stationed in the neighbourhood of the manufacturing districts. He held, with the hon. Member for Manchester and his friends, that it was a dreadful thing for the military to trample upon the people; and, therefore, he would not put that temptation in the way of the troops, but would have them wholly withdrawn. Nay, if the Peace Society would positively undertake to enter into a treaty with the President of France that he should sail into the Mersey instead of into the Thames, he (Mr. Drummond) was not sure that he would not be inclined to vote against this Bill altogether. He thought it was not improbable that a small invasion might do them a great deal of good: in his opinion, this country was much in the same condition in which they sometimes saw a great overgrown spoilt boy, when one was inclined to say, "I wish somebody would give that fellow a good licking." Now, he was inclined to think that a good licking would do us a great deal of good. He believed that the first time an army got near to London, those mills which had done such wonders would cease to work. But, the hon. Gentleman said, that the House was to be entirely guided on this question by the great constituencies, which they were told contained all the intelligence, and all the science, and all the knowledge of the country. He would appeal to the hon. Member for Finsbury as a witness to the extent to which intelligence—and he hoped he might add morality—existed in those great constituencies. They had had a general Exhibition of the Industry of All Nations; but they had now done with it, and were pulling down the place. Suppose they built another, and had an Exhibition of the Morality of All Nations: in what position would the City of London stand—to say nothing of Finsbury? He might ask those who had bought coffee, or tea, or bread, or butter, or milk in Finsbury. Why, the hon. Member for Finsbury (Mr. Wakley) had shown that there was no place in Europe where there was such a mass of fraud as among the tradesmen of this "enlightened constituency." He believed that many of the hon. Gentlemen who objected to this Bill did not care one rush about its real value; but they were prompted by their vanity to oppose it, because it was their "blue riband" to sit in that House. An hon. Gentleman near him had talked of the parrot cry of a fear of invasion. Where, then, was the parrot cry about peace? Why, some hon. Gentlemen had asserted over and over again that this free trade, of which they were so enamoured, would put an end to war altogether. This fact did not rest upon his mere assertion, but he would prove it by a speech of the hon. Member for the West Riding. That hon. Gentleman (Mr. Cobden) said, "I have never taken a limited view of the object or scope of this great principle." Now, by "principle" the hon. Gentleman meant buying and selling cotton. "But I have been accused of looking too much to material interests. Nevertheless, I can say, that I have taken as large and great a view of the effects of this mighty principle as ever did any man who dreamt over it in his own study." Had he (Mr. Drummond) not told the House over and over again that these Gentlemen went into their studies to dream?

"I believe that the physical gain will be the smallest gain to humanity from its success. I see in free trade that which shall act on the moral world as the law of gravitation in the universe, drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace. I have looked even further—"

(The hon. Gentleman thinks he can see beyond eternity!)

"—ay, into the dim future, a thousand years hence, and have speculated on the results of this principle, when it shall have been long in operation. I believe that the effect will be to change the face of the world, so as to introduce a system of government entirely distinct from that which now prevails. I believe that the desire and motive for large and mighty empires, for gigantic armies and great navies, for those materials which are used for the destruction of life and the desolation of the rewards of labour, will die away. I believe that such things will cease to be necessary or to be used when man becomes one family, and freely exchanges the fruits of his labour with his brother man. I believe that if we could be allowed to reappear on this sublunary scene, we should see, at a far distant period, the governing system of this world revert to something like the municipal system; and that the speculative philosopher of a thousand years hence will date the greatest revolution that ever happened in the world's history from the triumph of the principle which we have met here to advocate."

It is not the part of speculative philosophers to refer to dates, but of chronologists. The whole passage is a glorious specimen of the confusion of metaphors and balderdash, with which the hon. Gentleman delights the ears of Manchester manufacturers. Now the people of this country were a very rich people; they had been bragging of their wealth; they were reported and thought to be much richer than they really were; yet they advertised that they would not defend themselves, and their refusal to do so was just saying, "Come over and plunder us, and we won't resist."

Lord JOHN MANNERS, who rose amid continued cries for a division, said, that when the noble Lord (Lord J. Russell) introduced the Bill for establishing a local militia, he stated that the noble Member for Tiverton (Viscount Palmerston) had more than once pressed upon the attention of the late Government the necessity of organising a militia force. The hon. Member for Finsbury had, however, taunted the noble Lord (Viscount Palmerston) with not having had the courage and patriotism—though he was sensible of the importance of such a step—to recommend to his Colleagues or to that House the adoption of such a measure as that now under consideration. He (Lord J. Manners) thought it right that a statement of that nature should not go forth to the public without some contradiction. So notorious, indeed, was the reverse of that statement, that the hon. Member for Manchester had acquitted the noble Lord of such a charge, by accusing him of having entertained the ridiculous hobby of this very militia force. The hon. Member for Finsbury had told them that no justification had been offered for this measure; but he (Lord J. Manners) would have thought that the opinions of statesmen on both sides of the House, and of the most eminent men in the naval and military services, would have some weight even with the hon. Gentleman. A Resolution of that House had ordered a Militia Bill to be brought in, and the measure of the Government had already in its principle been affirmed by an overwhelming majority. It had been urged that it was to an increase in our Navy that we should look for our true means of defence; but it was forgotten that the same argument which had been so forcibly urged against an increase in the regular Army, applied with equal force to any increase in our Navy, because if after some time had elapsed, no actual danger occurred, one of two things must happen—either the additional ships would be put out of commission under the pressure of a demand for economy, or, on the other hand, they would be sent out to those stations from which they were now told they ought to recall their naval power. He could only say that the Government were perfectly unconvinced by the arguments which had been urged against this Bill. Their opinion remained unchanged, that a great addition to the military defences of the country was essentially neeessary, They were still of opinion that the object could be best attained, in a manner least hostile to the feelings of the people, by a measure of this nature, and therefore they asked the House to reject the Amendment.

Lord JOHN RUSSELL: I shall detain the House but a very few minutes. I wish to state, in the first place, that I cannot vote for this Amendment, because I think it desirable, the House having decided by a very large majority in favour of the second reading of this Bill, that it should proceed in Committee to discuss its various clauses and provisions. But I cannot speak upon this subject without saying that, while I do not agree in the statements made in the very able speech of the hon. Member for the West Riding (Mr. Cobden), I must at the same time protest against the formula which has been put forward by the noble Lord the Member for Tiverton (Viscount Palmerston). He says there is this alternative—if you vote for this Bill, you are at least safe; while, if you vote against it, you may be safe, but you may very probably be ruined. The whole of my objections against this Bill are comprised in this—that it does not make you safe. I agree with the noble Lord, not as to the extent of the danger—not as to the danger of the sudden attack which he seems to apprehend, but I do agree that it is necessary to provide means against dangers which, in case of war, would more speedily come upon us than they have in former wars; and my objection to this Bill is certainly not that it is a Bill intended to provide against that danger, because undoubtedly the Government have taken the resolution of this House, and fairly executed that resolution, that a Bill should be brought in to provide a militia; but my objection is, that this Bill, if carried into effect, will not provide that safety which I think the country ought to have. I considered this matter as well as I could before the second reading; I considered whether it was possible for me to propose such amendments in Committee as would render this Bill, in my opinion, the means of efficient defence to the country. It seemed to me that while I might possibly be successful in defeating some of the clauses of the Bill, I should hardly be successful in introducing other clauses and provisions which would give strength and efficiency to the measure. I therefore came to the conclusion that it would be better that the Bill should be at once rejected, in order that the Government might provide other means which, as I thought, would be more efficient. I need not now allude to those means; various means have been stated, several by other Members of the House, some by myself, which I think would provide more efficiently for the defence of the country. If this Bill had not been entertained by the House, I can feel not the smallest doubt that Her Majesty's Government would have thought it necessary to resort to some of those other means. It appears to me that there are hardly any of them which would not be better than the present Bill. [*Laughter.*] I see Gentlemen doubt my opinion as to this Bill; but really, though I have heard the Bill very much defended in this House, I have hardly heard any persons of experience, still less any persons of military experience, who would say in private that they thought this measure such as would prove effective. [Expressions of dissent.] As Gentlemen seem to doubt what I have stated, I would just put the question in order that they might bring home to their minds the efficiency of the measure which the noble Lord (Viscount Palmerston) says is to make this country safe. If our small regular force is not increased, no one can doubt that, if war were to break out, no person in the situation of the Commander-in-Chief would separate the force he would be able to collect in the neighbourhood of London, or between London and the south coast. Well, then, suppose an invasion in any distant part of the country, Cornwall or Pembroke Dock, would it be sufficient to send only a body, 5,000 or 10,000, of this raw militia, suddenly collected, against an organised French force? Would any one believe it would be sufficient? Now, if that would not be sufficient, this Bill would not be efficient. But then I am told, that the measure we proposed to introduce was one of a similar description, and that the question between the local and the regular militia is one of no great importance. But then there is coupled with this that which I must say seems inconsistent with such a statement, namely, that it was right and wise, entirely from public spirit and patriotism, that a majority of this House should refuse leave to me to bring in a Bill founded upon the principle of the local militia, and that, on the other hand, I could not oppose the regular militia except from motives of party and of faction. I own I cannot see that there is anything very convincing in this statement. I have never found fault with the motives of those who proposed to deprive me of the power of bringing in a Bill upon this subject. It was a proceeding I believe, quite without a precedent; at least, during the time I have sat in Parliament I have known no such instance; but I imputed no motives. But because I, on the second reading, declared this Bill inefficient, and said I would oppose it, it was said that my motive must have been, not a view to the defence of the country, but one entirely at variance with the duty which I owed to the country. I utterly deny such an interpretation of my conduct, and I must say that these are gross misrepresentations of my intentions upon this subject. I can hardly speak upon this subject without saying that the Home Secretary and some Gentlemen on the other side who have spoken, have most fairly addressed themselves to any arguments that I have used, and I have nothing to complain of on their part. Nothing could be more fair than the manner in which the Secretary of State met the arguments that had been offered. I own, as the matter at present stands, I think it far better, that the House, having decided in favour of this Bill, should go into Committee, and that no alterations should be made which are inconsistent with the general intentions of the Government upon the subject. I cannot say I feel sanguine in my views of its efficiency. I think it will be found necessary, probably at the commencement of the next Session, to review the whole subject of the defences of the country. I think it probable that so considering it, without a view to party or to our divisions upon this subject, we may arrive at a system of defence which may be far better than the local militia I proposed, and which may be better than the regular militia now proposed, and with which we may all be satisfied that the country would be well defended. I am very much afraid that you will find this Bill in its operation, while it is obnoxious to many complaints, will not give a force on which you can rely. I do not expect that upon the present occasion you will be able to determine upon such a force; but I think it far better that we should now pass such a measure as the Government recommend, and in the next Session we can consider what alterations should be made, and the means by which we can best amend it. If I shall prove to be totally mistaken—if there are 80,000 efficient men, upon whom military men say they can rely for the defence of the country, I shall be glad to have been mistaken upon the subject. If, on the contrary, there is a general sense that it has been a mistake to suppose that the Bill would be effective, I trust we shall have some more efficient measure.

Question put: The House *divided:*—Ayes 285; Noes 76: Majority, 209.

Main Question put, "That Mr. Speaker do now leave the Chair."

MR. HUME protested against the course taken by the noble Lord the Member for London. The noble Lord had admitted that the Bill under consideration was inadequate for the purpose for which it was introduced, and that it would not satisfy the wants of the country; and yet he counselled the House not to amend it, but to pass it. But would the House stultify itself by acting upon the advice of the noble Lord? The noble Lord had taken a course which he could not understand; and he was not willing to place himself in the same boat with him. The last vote had made the question somewhat indistinct. Now, his opinion was, that a distinct negative ought to be given to the question that the Speaker do now leave the chair, and he would take the sense of the House upon that question.

Mr. MILNER GIBSON asked the right hon. Gentlemon the Home Secretary whether it would not be possible to go into Committee *pro formâ* on this Bill, with the view of introducing another Bill? ["Oh, oh!"] Yes, another Bill, in which the whole law on this subject might be consolidated. He had recently quoted the opinion of an eminent Judge, Baron Parke, to the effect that it was most desirable that the law should not be contained in partially repealed and new Acts of Parliament, but that it should stand in one comprehensive whole. Now, the question he put to the right hon. Gentleman was, whether he would not be willing to defer the present measure so that a Bill might be introduced which would contain all the laws relating to the militia?

Mr. WALPOLE, in answer to a question of the right hon. Gentleman, would first ask the House to go into Committee, when the right hon. Gentleman, or any other hon. Member, would have opportunities of proposing such Amendments as he thought proper. He must say that he was totally unacquainted with any rule of the House which would enable it to go into Committee on a Bill *pro formâ*, whilst the provisions of the measure were in fact to be rescinded.

Mr. BRIGHT rose to ask the right hon. Gentleman (Mr. Walpole) a question, which he said was of great interest to the community at large—namely, whether Clause 89 of 42 *Geo.* III. would be operative in the new measure? The Act proposed to embody a force of 80,000 men—substitutes or volunteers: were these men to be subjected to the Mutiny Act—were they to be subject to flogging whilst under training—were they to be withdrawn from the ordinary tribunals of the country, and to be made amenable to martial law?

Mr. WALPOLE said, that if he answered this question, fifty others of a similar kind would be started. The proper time to answer such questions was when the House went into Committee.

Mr. BRIGHT again rose amidst loud cries of "Spoke!" and "Divide!" His object in rising was to explain. He was asked to vote for the Speaker leaving the chair to go into Committee on the Bill. Now, the Bill was most important, and so was the question he had put to the right hon. Gentleman, and the answer must necessarily influence the votes about to be given on the question, whether the Speaker do leave the chair or not.

Mr. COBDEN rose amidst loud cries. He humbly submitted that no reason had yet been alleged why the question put by his hon. Friend should not be answered. There was nothing in the question itself informal or unparliamentary. This was an important Bill, and a very important stage of the Bill. He thought his hon. Friend had a right to ask whether those who came under the provisions of the measure, volunteers or substitutes, came within the provisions of the 42 *Geo.* III.? [*Cries of* "Oh!"] He hoped that hon. Gentlemen, though they had a large majority, would not forget that a minority had its rights and its duties in that House; and he hoped they would not use that majority tyrannically. The question was, would the militiamen, under training, be subjected to the provisons of the Mutiny Act? would they be made amenable to martial law?

Mr. WALPOLE: The hon. Gentleman has put the same question as the hon. Member for Manchester. His belief was that the provisions of the 42nd *Geo.* III., c. 90, placed men who had been enrolled in the militia, during the time of training, under martial law. Before the hon. Gentleman again addressed the House, he (Mr. Walpole) wished to observe that the force he alluded to would be under the provisions of the Mutiny Act.

Mr. COBDEN: What I ask is, in plain terms, will these men be subject to the lash?

The CHANCELLOR of the EXCHEQUER hoped the hon. Member for Montrose would not divide.

Mr. HUME would certainly do so, more especially after the conduct of the Government.

Main Question put.

The House *divided*:—Ayes 219; Noes 85: Majority 134.

List of the Ayes.

Adderley, C. B.
Anson, Visct.
Archdall, Capt. M.
Bagot, hon. W.
Bailey, C.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, rt. hon. G.
Barrington, Visct.
Beckett, W.

Bennet, P.
Beresford, rt. hon. W.
Berkeley, hon. G. F.
Blandford, Marq. of
Boldero, H. G.
Bonham-Carter, J.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Broadwood, H.
Brocklehurst, J.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Campbell, hon. W.
Campbell, Sir A. I.
Chandos, Marq. of
Charteris, hon. F.
Chichester, Lord J. L.
Child, S.
Cholmeley, Sir M.
Christopher, rt. hn. R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Coles, H. B.
Collins, T.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Davies, D. A. S.
Disraeli, rt. hon. B.
Dod, J. W.
Dodd, G.
Douro, Marq. of
Drummond, H.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Elliot, hon. J. E.
Emlyn, Visct.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gooch, Sir E. S.
Goold, W.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granger, T. C.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Heald, J.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hill, Lord E.
Hollond, R.
Hope, Sir J.
Hope, H. T.
Howard, hon. C. W. G.
Howard, P. H.
Hughes, W. B.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lascelles, hon. E.
Legh, G. C.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, G. C.
Lockhart, A. E.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Martin, C. W.
Masterman, J.
Matheson, Col.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Moody, C. A.
Morgan, O.
Mundy, W.
Mure, Col.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, Col.
Pennant, hon. Col.
Perfect, R.
Pigott, Sir R.
Plowden, W. H. C.
Powlett, Lord W.
Prime, R.
Pusey, P.
Richards, R.
Russell, Lord J.
Sandars, G.
Scott, hon. F.
Seymour, H. K.
Sibthorp, Col.
Smith, J. G.
Smollett, A.
Somerton, Visct.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanton, W. H.
Stephenson, R.
Stuart, Lord J.
Stuart, J.
Sturt, H. G.
Talbot, C. R. M.
Tennent, Sir J. E.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Vyse, H. R. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
Westhead, J. P. B.
Whiteside, J.
Willoughby, Sir H.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Bateson, T.

List of the NOES.

Adair, H. E.
Adair, R. A. S.
Anderson, A.
Anstey, T. C.
Baines, rt. hon. M. T.
Bell, J.
Berkeley, C. L. G.
Bernal, R.
Blake, M. J.
Boyle, hon. Col.
Bright, J.
Brockman, E. D.
Brown, H.
Carter, S.
Clay, J.
Cobden, R.
Cogan, W. H. F.
Collins, W.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Evans, J.
Ewart, W.
Fox, W. J.
Grattan, H.
Greene, J.
Hall, Sir B.
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hatchell, rt. hon. J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. T.
Hutt, W.
Jackson, W.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Locke, J.
Loveden, P.
M'Cullagh, W. T.
M'Gregor, J.
Martin, J.
Melgund, Visct.
Milligan, R.
Mitchell, T. A.
Mowatt, G.
Morris, D.
Moffatt, F.
O'Flaherty, A.
Pechell, Sir G. B.
Pilkington, J.
Reynolds, J.
Ricardo, O.
Salwey, Col.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, H. D.
Shafto, R. D.
Smith, J. B.

Stewart, Adm.	Williams, W.
Stuart, Lord D.	Wood, Sir W. P.
Thicknesse, R. A.	Willcox, B. M.
Thompson, Col.	Williams, J.
Thompson, G.	TELLERS.
Wakley, T.	Hume, J.
Walmsley, Sir J.	Gibson, T. M.

House in Committee; Mr. Bernal in the chair.

MR. BRIGHT rose for the purpose of stating that he thought it was the duty of the Government to fix what was called a long day for going into Committee, and proceeding with the clauses of the Bill. During the course of the debate he had observed that no two military men who had spoken had agreed in scarcely one single point in regard to the Bill. If they had agreed at all it was in disapproving of the main portion of the Bill. He thought that on a subject of this nature the Government would not disregard the testimony which had been given that night with so much intelligence by the hon. and gallant Gentleman the Member for Westminster; and the noble Lord (Lord John Russell), in his responsible position, had stated that this was not the Bill which ought to be carried. It was not desirable that they should proceed with a measure of this nature, unless the urgency of it could be demonstrated; and if its urgency had been demonstrated, which he believed it had not, they had not demonstrated that this was the particular measure proper for the urgency. He implored the Government not to pass this Bill under the present circumstances of Parliament, but to allow it to remain over to be discussed in another Parliament. He did not ask the House to agree with him as to the necessity of a militia; but he thought that they would agree with him that it would be better to postpone the consideration of this Bill for six months, than to pass a Bill which would be inefficient, and which would produce great dissatisfaction. Postponements of important questions took place in every Session, even where all parties were agreed on the principle of a measure. They were told that all the statesmen of that House were against them; but he had known a good many questions on which all the statesmen had taken one view; and he had seen in the course of a very short time those who held leading positions converted, and those who had been in a small minority found themselves the members of a large majority. The noble Lord the Member for London was in favour of some measure; the Government had taken up this measure, and it was supported by the noble Lord the Member for Tiverton; but the great constituencies of the country were averse to it, and if they had not a right to dictate, they had at least a right to be heard upon a question of such a nature. He therefore thought that they had a fair claim on the Government in asking them to postpone this measure. He sought for that postponement in order that the opinion of the country might be expressed, and in the hope that the Government, further considering what was the real position of the country with respect to its means of defence, would not deal with that question in a moribund Parliament.

The CHANCELLOR OF THE EXCHEQUER: I am sure, Sir, that the hon. Member for Manchester is quite conscious that he has made a most preposterous proposition to the House; and therefore I do not think it necessary to argue upon it. We have been pressed night after night to expedite the necessary business of the House. There have been several opinions as to what were necessary measures. One Gentleman said that Chancery reform was not necessary; some others said that some other measures were not necessary; but there was not the slightest doubt that a measure for the defence of the country, that a Militia Bill, was necessary. In deference to the universal sentiment of this House, we lost no time in bringing in a measure for the defence of the country. Now, will any person pretend that the discussion upon this measure has not been ample? It has arrived at the present stage when every Gentleman has addressed "Mr. Speaker" once; indeed, very many have addressed "Mr. Speaker" more than once. And now the hon. Member rises to propose that we should fix a very distant day for the settlement of this question. After night after night has been spent in discussion, he asks us to arrive at this practical point. For what purpose, then, is postponement asked? For the sake of agitation; not to examine the provisions of the Bill, what is its form, what are its details — they are already known; not with the hope that he can influence the opinion of this House, but really that he should go to the country. Now, I think this is a very unconstitutional course of proceeding. I say, then, instead of fixing a very distant day, I shall, with the leave of the House, take the liberty of saying that we shall proceed with the Committee on Thursday next.

Colonel SIBTHORP said, that he was delighted to hear the course which the right hon. Gentleman proposed to take; and as to whether the militiamen were to be subjected to the Mutiny Act, he would advise the hon. Members for Manchester and the West Riding of Yorkshire to enrol themselves, and then they would discover whether they would be subjected to the lash or not.

Mr. W. J. FOX rose to repudiate the imputation cast upon his side of the House by the Chancellor of the Exchequer, that they sought delay for the purpose of getting up an agitation against the Bill. He knew little, indeed, of the feelings of the country if he thought agitation necessary to excite the strongest antagonism against this measure. It was regarded with dread and abhorrence by the great body of the working people; and those feelings would not be diminished when they learned that they would be brought into compulsory service and put under the lash. There had been in his borough a perfectly spontaneous exhibition of feeling against the Bill; and the House would do well for its own sake to give time for further consideration, particularly when there were scarcely two military men who were agreed on the Bill.

Mr. WALPOLE said, that the hon. Member for Oldham had stated that the Bill was regarded with great abhorrence in consequence of the compulsory clauses, and its subjecting the militiamen to the Mutiny Act. Now, the Government believed that the compulsory clauses would never be necessary; therefore that abhorrence was founded in a mistake. With regard to the Mutiny Act, the House was well aware that every yeoman subjected himself to it—it was necessary for the purposes of discipline—yet nobody ever heard that the power which was created under it had been enforced.

Mr. BRIGHT complained that the right hon. the Chancellor of the Exchequer had not met his request in the most courteous manner. It was not very preposterous to ask that more than a day should intervene. Why, Thursday was but to-morrow. It was in vain to tell them that the compulsory clauses did not mean anything. If they meant nothing, why insert them? It was equally vain to say that they did not subject themselves to the tyranny of the lash because those who enrolled themselves in the yeomanry were never subjected to it.

Mr. WALPOLE said, that the simple reason why he proceeded was, that the clauses of the Bill should be very well understood. A variety of opinions had been expressed with regard to them, which was a proof that hon. Gentlemen were perfectly conversant with them; and if the House was not prepared to go into it now, he did not know when it would be.

Mr. MILNER GIBSON said, that what he found fault with was the total disregard of precedent in the mode in which this measure had been drawn up. There was no Gentleman on the Treasury bench who could point out an instance, where, on the request of a considerable minority—not inconsiderable, indeed, when they recollected the constituencies whom they represented—a reasonable application had been refused. He wanted a precedent in which, when a minority asked, not with any factious spirit, but with a sincere desire that the country might have time clearly to understand its position, for a delay of more than one day, the favour had been refused. He could confidently say that no such precedent existed.

The CHANCELLOR of the EXCHEQUER said, he did not wish to enter into any argument upon the matter. If the hon. Member for Manchester had made a preposterous request, he was very sorry for it. The Bill had been read before Easter a first time, and had then been postponed until after the recess. It was read a second time last Monday week, having been postponed from before Easter in deference to the opinions of Gentlemen opposite. There was a sincere desire on the part of a majority of the House that the Bill should pass into a law, and every opportunity had been afforded to Gentlemen to make themselves masters of the question. He, therefore, did not see what reasonable ground there could be for asking for a postponement.

Mr. WAKLEY said, that the right hon. Gentleman had not told them whether, if this Bill passed, there would be a dissolution of Parliament. It was not likely that those who were opposed to the Bill would facilitate its progress. The noble Lord at the head of the Government professed to be influenced by public opinion. Let them, therefore, wait and see how public opinion would pronounce upon this question. For his own part he thought that the proposition for adjournment was quite reasonable.

Mr. HUME said, he only asked for a

delay until Monday next. If that request were not granted, it would rather startle the country.

Mr. NEWDEGATE was of opinion that the delay was only asked for purposes of agitation. If the measure was a bad one, before it came into operation another Parliament would be able to repeal it.

Mr. BRIGHT must protest against the course which had been taken by the right hon. Gentleman. It was an imputation to say that he, and those who were acting with him, wanted delay for the purposes of agitation. He could quite well understand whence that argument was brought forward; for he recollected that in 1846 the debates were adjourned night after night, for the purpose, as it was openly avowed, of allowing some county Member to take his seat and vote in the minority. The idea of agitation never entered his head. The hon. Member for Montrose had given good advice to the Government, and they would act wisely in deferring to any reasonable request of a minority. There never was a greater tactician than the late Sir Robert Peel, who had been pronounced to be the greatest Member of Parliament that the country had ever had, and yet he was a man who deferred very much to the wishes of a minority. He believed that the noble Lord at the head of the Government did not fail in that respect. Let right hon. Gentlemen on the Treasury benches place themselves in the position of a minority, which they had been in for five years, and let them be in a minority on a question in which they took considerable interest, and would they not consider it very unreasonable that so small a delay should be granted to them if they asked for it? No argument would induce him to assent to this measure for the purpose of expediting business. He believed it was a bad measure, and had rather Parliament should sit till August than that it should be passed.

Mr. WALPOLE said, that this measure had already been frequently postponed. The first reading had taken place before the recess, and the second reading had been postponed until after the recess. It had again been postponed from last Monaay week, on the suggestion of the minority, and the Government had then expected to go into Committee on Monday last, when, however, the debate was adjourned. He appealed to the experience of the House whether, when the first and second readings of a Bill had been agreed to, and the Amendment on going into Committee had been negatived, such a request for delay as this had ever been granted? He did not believe that a single precedent of the kind could be produced.

Mr. BASS said, that he had voted with the noble Lord late at the head of the Government, and he was of opinion that additional forces were required in the present state of the country. But he was also of opinion that the proposition for delay was very reasonable. He had become aware that a very strong feeling on the subject of the Bill existed in the country. This was the fourth Session that he had served in that House, yet it was the first time he had received a remonstrance for the votes which he had given, and for his absence on the occasion of the second reading of the Bill. He still, however, adhered to the opinion that some measure of defence was necessary.

Mr. BERNAL explained that the only question was, whether he should leave the chair.

Mr. COBDEN said, that the imputation that they wanted to get up an agitation in the country came with a very bad grace from the right hon. Gentleman, who had been treated with the greatest forbearance upon that side of the House. But he would ask who had been the greatest agitators for the last four or five years? There was not a platform or a theatre in that metropolis on which the hon. Member for North Warwickshire (Mr. Newdegate) had not figured. If it was imputed to them that they wanted to get up an agitation in the country in order to transfer themselves to the Treasury bench, there to repudiate the principles which brought them into office, that was an insinuation which could hardly fall with a good grace from the right hon. Gentleman the Chancellor of the Exchequer. He repeated that the tone which the right hon. Gentleman had adopted was most unbecoming, and that it was one which he (Mr. Cobden) would advise him not to repeat. The grounds on which this request was made, were perfectly reasonable. There was not at present a full conviction on the public mind that after thirty-seven years of peace they were about to have a militia, and still less that it was to be as they had been informed to-night, that the militia were to be placed under the provisions of the Mutiny Act, and that they would be out of the protection of the civil law. Was it not reasonable then that the constituencies in the provinces should have time to petition against these provisions—to remonstrate with their representatives, as the hon. Gentleman the Member for Derby candidly admitted his constituents had done with him?

The CHANCELLOR of the EXCHEQUER reminded the House that the phrase "agitating the country" was originally applied to the proposition made by the hon. Member for Manchester, that this Bill should be postponed for six months, in order, as the hon. Member gratuitously avowed, that the country might be appealed to. He wanted to know what that meant but agitation? The hon. Member for the West Riding said that he (Mr. Disraeli) ought to feel grateful for the forbearance with which he had been received—

Mr. COBDEN: No, no!

The CHANCELLOR of the EXCHEQUER: Well, if the statement be recalled—

Mr. COBDEN: The statement is not recalled, for it was never uttered.

The CHANCELLOR of the EXCHEQUER: It is expedient when there has been a long discussion to remember its origin. When the hon. Member (Mr. Bright) spoke of delay for the purpose of appealing to the country, what he meant was, that the country should be agitated. [Mr. Bright: I never said so.] As to the charge brought forward by the hon. Member (Mr. Cobden) of obtaining power by the assertion of principles which, when in power, we did not carry out, I beg to inform him that that is a charge which does not apply to me. I am here, Sir, to put in practice, as far as I am able, the policy I advocated when on the other side of the House, and I say so without the slightest hesitation. Notwithstanding the complaints of my demeanour, which are perfectly unjustified as I think—and if I used any expression or exhibited a manner calculated to give offence, which it is neither my habit nor disposition to do—I must say I feel it is the duty of Government, and I think we are only acting with regard to the opinions of the vast majority of the House and of the public out of doors, by calling on you to proceed with this Bill.

Mr. HEYWORTH said, that as the Bill concerned deeply the interests of the working classes, it was desirable that the consideration of the Bill should not be fixed earlier than Monday.

Mr. WAKLEY understood the Chancellor of the Exchequer to say that he was prepared to carry out on that side of the House the principles he had advocated on the other. Then he ought to know that persons professing to be his friends and supporters were asking for the suffrages of the people in different counties and boroughs, and stating that they were Conservative Freetraders, and that Protection was thrown to the winds. He (Mr. Wakley) therefore wished to know whether those persons were guilty of gross misrepresentation or not?

Committee report progress; — House resumed.

The CHANCELLOR of the EXCHEQUER proposed that the Bill be again considered in Committee on Thursday next.

Motion made, and Question proposed, "That this House will, upon Thursday next, again resolve itself into the said Committee."

Mr. HUME moved, as an Amendment, that the recommitment be fixed for Monday.

Amendment proposed, to leave out the word "Thursday," in order to insert the word "Monday," instead thereof.

Question put, "That the word 'Thursday' stand part of the Question."

The House *divided*:—Ayes 103; Noes 31: Majority 72.

Main Question put.

The House *divided*:—Ayes 105; Noes 29: Majority 76.

Committee to sit again on Thursday.

The House adjourned at half after Two o'clock.

* * *

HOUSE OF COMMONS.

Wednesday, May 5, 1852.

TENANT-RIGHT (IRELAND) BILL.

Order read, for resuming the further Proceeding on Amendment proposed to Question [31st March], "That the Bill be now read a Second Time."

And which Amendment was to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Further Proceeding *resumed*.

Mr. CONOLLY said, he was resolved to use all legitimate means to stay the further progress of this Bill, because he believed it to be a mischievous and ill-designed measure, unsound in principle, and likely to prove exceedingly injurious in operation. The object of the Bill professed to be to insure compensation to the tenant for the improvements he might have effected in his holding; but he had gone through the Bill with great care, and had been totally unable to discover that it had been constructed with a view to any such object: the principle of the Bill was, in fact, nothing less than to insure a compulsory valuation of land—to insure a compulsory interference with the contracts between landlord and tenant, and to take out of the hands of the landlord all power as regarded the disposition of his own property. The Bill held out no sufficient guarantee of the landlord's rights, and the details of the Bill were totally at variance with the principle on which it professed to be founded. Certainly the word "compensation" did occur frequently in the Bill; but it was held out as a threat to the landlord if he did not choose to accept the terms dictated to him by a tribunal of tenants, and agree to the arbitrary valuation of rent which would be fixed by the machinery of the Bill. An appeal to the Barrister was allowed, and either of the parties might demand that the matter be referred to a jury: but who could believe that a jury of tenant-farmers in Ireland was a fair tribunal to decide a question of rent? The seventh section seemed drawn exclusively for the benefit of the lawyers, the arbitrators being left to decide upon their own opinion of the increased value created, which would be certain to lead to great confusion. He regarded the measure as an unjustifiable interference with the right of private property, and which would deprive the landlord of all power as respected contracts for land. This Bill was one not to give compensation to the tenants, but to eat up the proprietary of Ireland. It was brought forward by hon. Gentlemen opposite merely to unsettle those relations between landlord and tenant which they had the audacity to profess that they were attempting to settle. This was an interference which he was persuaded that the British Legislature, with its accurate appreciation of what was just between man and man, would never sanction. The clauses of the Bill embodied a principle which was irreconcilable with the custom of England. There could be no doubt that one of the greatest grievances under which Ireland had long suffered was agitation; and it was equally clear that this Bill would rake up the old question of landlord and tenant, which had already been too long a *vexata quæstio* in Ireland. The persevering with the measure would merely excite extraordinary expectation on the one hand, and the greatest alarm on the other. Even if this were a modest measure as regarded the tenant, it might create some apprehension in the breasts of even those landlords who had performed their duty to their tenants. But it had not been brought forward with a sincere determination to persevere with it—it was brought forward for electioneering purposes. The principle which it professed to embody was not the tenant-right of Ulster, nor anything like it. He had some personal knowledge of that province, and of the working of tenant-right there. Tenant-right had conferred many benefits upon the people of Ulster. Ulster tenant-right amounted to this: it implied a power on the part of a tenant to determine his tenancy, and to sell the good-will of the premises which he had occupied to the incoming tenant; and that right existed in the north of Ireland, in all sorts of tenancies, whether under lease or at will, and also whether or not improvements had been made by the tenant. A tenant had there the right of selling his interest in his tenancy for the highest sum that it would fetch in the market. Evidently there was something to be sold, and which the tenant claimed he had a right to sell; and that something was called tenant-right. That right differed under different circumstances: in some cases the tenant was permitted to sell his interest in it for ten, in others for fifteen, and in others for twenty years. But, after all, this tenant-right in Ulster was nothing more than the good-will possessed by the tenant in his holding, owing to the confidence which existed between himself and his landlord. When that confidence was known to be great, the tenant's interest sold for a large sum; and when it was impaired, the price which the good-will would fetch was proportionately diminished. Now, that confidence grew up between landlord and tenant, not because an Act of Parliament was passed to promote it: that confidence rested on higher ground; it was the result of the mutual honour, integrity, and high character of landlord and tenant. It was the result of the feeling entertained on the one hand by the landlord, that the man who had sought to cultivate part of his property would faithfully discharge the duties of a tenant; and on the other by the tenant, that his landlord would acquit himself honourably towards him. If tenant-right did not prevail in other parts than Ulster, it was because that sort of mutual confidence did not exist elsewhere than in that province. Gentlemen from the south of Ireland complained that this system of tenant-right did not exist there; that, however, was their own fault. The confidence between landlord and tenant in that part of Ireland had been greatly disturbed by the political agitations which had so long prevailed in that country: the seditious, he would even say the rebellious, meetings which had taken place in Ireland, had almost destroyed that confidence which ought to exist between landlord and tenant. And it was from the absence of this that, notwithstanding the north of Ireland was less fertile, the relations between landlord and tenant were of a more satisfactory character, and the people were generally in a more happy and prosperous condition. This Bill could not increase confidence. Its object was merely to stir up the people for a time with some wretched pettifogging view to electioneering purposes. He would ask hon. Gentlemen opposite whether they were performing their duty to their country in thus fomenting agitation, and stirring up that flame which had slept since the famine; and in awaking civil and religious discord in the country only for the base object of answering an electioneering purpose. He did not know that a man could commit a more grievous crime towards his country; and he hoped that it was not too late for hon. Gentlemen opposite to review and retrace the course upon which they had entered.

MR. MONSELL said, that he should pass by the unjust imputations which the hon. Gentleman had cast upon the portion of the country to which he (Mr. Monsell) belonged, with the single remark, that if tenant-right had in the north of Ireland produced the beneficial effects which the hon. Gentleman (Mr. Conolly) attributed to it, that was one of the strongest possible arguments for attempting an alteration in the state of the law in those parts of Ireland where it did not exist. The mutual confidence alluded to by the hon. Gentleman did not exist where tenant-right did not prevail. Many of the objections which the hon. Gentleman had urged against the Bill, would, he thought, have had great force if the House was then discussing the third reading of the Bill. He (Mr. Monsell) objected as strongly as any hon. Gentleman could do to a system of compulsory valuation, which he believed to be utterly absurd, and one that could not be carried out by law; if attempted it would have precisely the same effect as the decree of the French Convention, that the food of Paris should only be sold to the inhabitants at a certain rate. That produced famine; and the attempt to carry into effect a compulsory valuation would lead to the cessation of all attempts at agricultural industry, which must be founded upon the rights of property. But he contended that compulsory valuation was not involved in the principle of the Bill; and though, perhaps, the hon. Gentleman might refer him to the wording of some clause in the Bill which might appear to sanction such a system, that was but a detail which could be altered; the principle of the measure was an entirely different thing, and it was in favour of the principle that he spoke. In order to show the House the urgent necessity that there was for a Bill of this description, he would call their attention to the opinions of those who had been most conversant with the state of Ireland. Dean Swift (100 years ago), Arthur Young, Lord Clare, and the Commission which sat in 1834, all had described in strong terms the misery which had been produced in that country by the state of the relations between landlord and tenant. Before the Committee which sat in 1839 on the subject of Crimes and Outrages, Mr. Kemmis, the Crown Solicitor, stated that three-fourths or more of the outrages which occurred were attributable to disputes about land. Sir Mathew Barrington, who was Crown Solicitor for twenty-five years, also traced almost every outrage to the same cause. It appeared, therefore, that there had been a system working in Ireland, for a great number of years, with precisely the same unfortunate results; and the inference therefore seemed to be, that it should be altered, unless it was maintained that there was something so adverse to civilisation and industry in the Irish people, that the result was their fault, and not that of the law. Mr. Kay, however, in his work on the social condition and education of the people of England and Europe, stated that the Irish became the most energetic, orderly, and successful colonists; and this statement was corroborated by Count Strelitzki and Mrs. Chisholm. It might, perhaps, indeed be asked why the system, which was the same in Ireland as in England, did not work equally well in both countries. But because a system was adapted to the English, it did not follow that it would be equally well adapted to a people of a character so entirely different as the Irish. And, besides, there was a gross fallacy in the observation. There was the same system theoretically, but who would say that there was the same practically?—there was uniformity but not unity. He wished to attain a real practical unity between the two countries, which could only be done by carrying out the principle of this Bill, which was simply this, that the tenant should have an indefeasible right to the value of all those improvements which he is obliged to make in Ireland, and which the landlord would be obliged to make in England. This principle was in accordance with that of the civil law, which declared that the cultivator when he vacates his holding is entitled to the full value of the beneficial improvements made by him; with the custom of Brittany in France, and with the laws of Denmark and of Massachusetts. By assenting to the second reading, the House would do more than recognise that principle. He regretted that the measure which the Government proposed to introduce upon this subject was not ready, for he deprecated all delay, which was dangerous, if for nothing else, because it produced precisely the results which the hon. Member for Donegal (Mr. Conolly) had described in somewhat strong language. The present time was eminently suited for the fair consideration of any measure which the Government might introduce; and notwithstanding that the Attorney General for Ireland (Mr. Napier) entertained conscientious opinions different on many points from those of the majority of his countrymen, he did not believe there was any one in whom all persons in Ireland who knew him placed more implicit confidence. For his own part, he (Mr. Monsell) should be ready to do all he could to forward the settlement of this question. He should vote for the second reading of this Bill.

LORD NAAS said, before the House came to a division he was anxious to offer a few observations on this important question. In the first place, he must remark upon the strange fact, that every one of those who had advocated the measure had carefully avoided any allusion to its details. No speaker had yet adverted to a single clause of the Bill, or had defended one of its provisions. He must say, in answer to what had fallen from the hon. Gentleman who had last addressed the House, that though he agreed with much that he said, and admitted that the principle of compensation to tenants was to be found in the Bill, yet he (Lord Naas) looked upon the introduction of that provision as a mere peg on which to hang other principles of the most dangerous and pernicious kind—provisions which would tend to destroy every existing right of property in the land in Ireland, and to invalidate every subsisting contract between landlord and tenant; which would in fact plunge the whole landed property of Ireland into one mass of confusion. He would assert that compensation to the tenant was not the leading feature of the Bill. The first principle of this Bill was the assertion that every improvement that was found in the land in Ireland was the property of the tenant; and the second was that the rents of the landlord were to be settled for the future, not between him and his tenants, but on a compulsory valuation made by juries; and he believed that if this Bill was carried, it would for ever put an end to anything like a valuable and real compensation for the tenants' improvements. The hon. Gentleman the Member for Limerick had said that in general the laws regarding landed property in Ireland had worked badly. He (Lord Naas) admitted the fact, but denied that this measure would effect a remedy. The hon. Gentleman spoke of the misery and suffering of the Irish population being in a great measure attributable to the state of the law as affecting land; and he said that when the Irish emigrant went into foreign foreign countries he became industrious and prosperous—that he flourished in Australia and in America; but he (Lord Naas) would ask the hon. Gentleman whether either in Australia or in America such a law as he wished the British Legislature now to engraft on the relationship between landlord and tenant was in existence? He (Lord Naas) thought, if such a principle as that was attempted to be introduced in the Congress of the United States, or in any of the Colonial Legislatures, it would be immediately repudiated as a pernicious interference with the rights of property, which could never be tolerated. That compensation to tenants of which they had heard so much, was not, in fact, the leading principle of this Bill. The laws regarding landed property in Ireland had, from time to time, been dealt with by that House, and by the Irish House of Commons; but they had invariably been dealt with by piecemeal; modifications were made in them at one time as a sop to the landlord, and at another as a sop to the tenant; and they appeared never to have been considered in anything like a comprehensive spirit. He believed the statutes respecting landed property in Ireland amounted now to the enormous number of 125; but this Bill left all that mass of legislation wholly unsettled; it did not consolidate the existing Acts, nor did it amend, or even repeal, any single one of them. On the contrary, it engrafted a new principle altogether on that heterogeneous mass of legislation. The Bill, in fact, attempted to carry out the most unjust objects by means perfectly impracticable. It would be well to trace this Bill to its real origin. He did not believe, in reality, that the hon. Member for Rochdale was the inventor of this Bill; for the hon. Gentleman was a man well acquainted with landed property, was himself an excellent landlord, and had never before advocated all these principles —for the present Bill went much further than any Bill the hon. Member had previously attempted to introduce into the House. This measure, on the contrary, completely embodied the principles of a society which had attracted considerable attention in Ireland of late years — the Tenant League. The Bill in every particular was an embodiment of the principles advocated by that League—principles which he (Lord Naas) believed to be as dangerous and as communistic as were ever broached in the wildest times of revolution. He had taken the trouble to collect a few extracts from various speakers and writers belonging to the society, which would show the House what those principles really were, and that the Bill now under consideration was an attempt to give legislative effect to those dangerous doctrines. The Rev. Mr. M'Gennis, in moving a resolution at a public meeting in Belfast, May 3, 1851, said—

> "The nationalisation of the land he considered to be the proper solution of the question. He denied the claim of the landlord to the soil or the rent for his own purposes. The landlord was merely a public steward, and when he failed to discharge his duty faithfully, he should be deprived of his trust, and the nation should put another in his place. That should be the prime aim of that League."

On June 3, 1851, Pat Lawler, Esq., chairman of a meeting in Dublin, said—

> "It was an outrage against the bounty of the Most High, and a blasphemy against the mercy and justice of the Omnipotrnt, for any man to say that the right over the soil was unreservedly his, or that he could do what he liked with the and."

On December 9, 1851, the Rev. W. Dobbin, at a meeting in Annaghlone, said—

> "We will assert, though it be with our last breath, that landlords were tolerated for the benefit of the people; and when they cease to serve the purpose for which they were formed, the exigencies of the times require that the institution should be abolished—that the right of the people to the creations of their own industry is a better right than that by which the landlords hold their estates. I believe it would be an unspeakable blessing to the community, did each individual hold his property in fee-simple under the Crown."

The speeches delivered at public meetings by men connected with that League, all pointed to the same end, which was nothing less than this—that Ireland would never be prosperous and never improved until the property of the landlords was entirely handed over to the tenants. That was the principle that was embodied in this Bill. ["No, no!"] Hon. Gentlemen opposite said "No, no;" but he thought he would be able to prove that it was so. The definition of tenant-right in the preamble of the Bill was not a correct one. The Bill commenced by reciting the present custom of tenant-right in the north of Ireland, which it defined thus: "A right of continued occupation is enjoyed by the tenant in possession, subject to the payment of the rent to which he is liable, or such change of rent as shall be afterwards settled from time to time by fair valuation." Now, if that was agreed to, it would prevent a landlord from ever resuming the occupation of his land. Besides, he maintained that the practice as defined in the Bill was not general in Ireland. It was not a true definition of the existing tenant-right. Under the tenant-right as it existed, the tenant was not compelled to submit to any valuation whatever. The recital on which the hon. Member for Rochdale founded his Bill was not a fair definition of the practice; and he (Lord Naas) was borne out in that by every Gentleman connected with the north of Ireland who knew what tenant-right was in reality. Then, the landlord's interest was to be valued and arbitrated upon.

Mr. SHARMAN CRAWFORD said, there was no compulsory valuation of rent under the Bill.

Lord NAAS said, he thought there was. Now, on these false recitals, the hon. Member proceeded to legislate. The first and third clauses of the Bill completely embodied the theory of Mr. Rutherford, to which reference had been made. The first clause provided that all buildings and improvements producing increased value, made at the cost of the tenant, should be the tenant's property; and that no tenant having made such improvements should be evicted without being paid for his tenant-right, where the custom existed, and in districts where the custom does not exist, the value of his improvements. Then the third clause enacted that—

> "In ascertaining the value of the tenant-right of any land, or the value to be allowed a tenant for improvements, it shall be presumed that all improvements have been made by the occupying tenant, or those from whom he has derived, save so far as it shall be proved on the landlord's part that such improvements were actually made by himself, or by those from whom he has derived his estate, or by those from whom the tenant has not derived; and the tenant shall be held entitled to be paid for the value of all improvements made by himself, or by those from whom he has derived, according to the rules hereinafter enacted."

Now that was nothing more nor less than an embodiment of the principle laid down by Mr. Rutherford, in these terms:—

> "The landlord's property is the barren soil; the tenant's property is all the additional value. This principle is the touchstone of tenant-right, and the foundation on which to rest the argument in favour of the tenant-farmer."

Again, in the fourth clause, the principle of a compulsory valuation of rent was clearly laid down; it was perfectly true that this Bill would be worth nothing without that clause, for in all arrangements between landlord and tenant, rent must be a guiding principle. If the landlord had the power of settling his own rent, the Bill would be so much waste paper, for he would say to his tenant—"I will let you the land under the old system for 15*s*. an acre; but if you take it subject to the provisions of Mr. Crawford's Bill, you must pay me 25*s*. for it." The League saw that plainly. He had a little book in his hand, entitled, *The Catechism of Tenant Right*, which was published under the sanction of the Tenant League, and was generally circulated throughout Ireland, and which laid down the principle of a compulsory valuation of rent in very plain words. One question was, Would the mere legalisation of the tenant-right be sufficient, leaving the landlord at liberty to raise the rent? The answer to this question was, There must be fixity of tenure; for as long as the landlord was at liberty to raise the rent, the legalisation of the tenant-right was delusive, for the landlord might increase the rent to what amount he pleased, and might destroy the tenant-right by making it so worthless that nobody would buy it. And in the fourth clause of the Bill, he found this principle was carried out to the letter. If the tenant was served with notice to quit, or notice of ejectment, or if the tenant served a notice of surrender, it was provided that within ten days the tenant should serve upon the landlord notice of his claim in writing, and that arbitrators should be called in to settle the rent, or the amount of compensation, or such other matters as came within the scope of the Bill. If the arbitrators did not agree, the matter was to be referred to a jury at quarter-sessions. Therefore he (Lord Naas) repeated that compulsory valuation of rent, which was a novel principle in legislation—a most unjust principle, and one which he believed the House would never for a moment entertain—was the main feature of this measure.

MR. S. CRAWFORD complained that the noble Lord had misrepresented the provisions of the measure.

LORD NAAS: Well, then, I will refer to a speech of the hon. Gentleman himself: the hon. Member for Rochdale says, "From a consideration of all the circumstances, I have come to the conclusion that any attempt to secure the tenant-right, unless accompanied by a measure for the adjustment of rent, is now hopeless." After the declaration of that sentiment at a public meeting, the hon. Member, in now taking exception to his (Lord Naas's) opinion on that part of the Bill, was only attempting to blind the House. The truth was, that the effect of this Bill would be to make the landlord a mere rent-charger on his estate; and if it became the law of the land, they would never find a landlord who would lay out a shilling on his own property, and by "one fell swoop" every source of improvement would be shut up throughout the country. The hon. Gentleman said Ireland was ruined by absenteeism: he (Lord Naas) most sincerely regretted that he must admit that a great many proprietors did not reside on their estates; but he would ask, was there ever a measure so eminently calculated to produce absenteeism as that, seeing that it went to deprive the landlord of almost all motive for taking an interest in his estate? The landlord would then have neither power nor incentive to discharge those duties so necessary for his own and his tenant's welfare. He believed the effect of the fourth clause would be to offer a premium on bad husbandry, and a direct inducement to the tenant to reduce the value of his farm. He would have a direct interest in bringing down to the lowest possible amount the value of his land by bad farming, exhausting crops, and other kinds of deterioration, for that would result in a reduction of rent; and he (Lord Naas) believed that nothing would so soon reduce Ireland to the condition of a perfect desert as the operation of a clause like that. In the 10th Clause a most extraordinary enactment was to be found, which was nothing more nor less than a so-called "equitable" violation of all past contracts. That clause, after reciting the necesssity for a readjustment of rent in consequence of lands having been let under a system of protective duties, provided that tenants under lease made previous to the repeal of the corn laws, and since 1815, might serve notice of surrender on the ground of their rent being too high, and claim compensation for improvements by arbitration, or the settlement of rent by arbitration. He contended that the effect of such a provision as that would be to smash every lease and contract, in respect to land, in Ireland, made subsequently to 1815. Such a wild revolution in the rights of property was hardly ever attempted. The 14th Clause gave the tenant, in fact, the power of getting rid of his arrears; so that the tenant who, through misfortune, or poverty, or neglect, would get into arrears, would have nothing to do but to call in arbitrators to decide how much of the arrears should be remitted—in short, to release him from all his liabilities. The last clause was the most sensible in the Bill—for in no other country would there be found men daring or wild enough to propose such a law—it provided that the Bill should only extend to Ireland. He would now make a few remarks on the general question. The hon. Member for Rochdale called on him to repeat the assertion he (Lord Naas) had made at Coleraine. He believed he had said nothing to-day that he had not said there. He did say at Coleraine there was a necessity for a law which would give a tenant compensation for the improvements he had made. He said so still. He said also that the question was under the consideration of the Attorney General for Ireland, and the Government, and the Bills providing for it were in a forward state of preparation. But he said—speaking in the presence of hundreds of persons affected by the question of tenant-right—that he utterly disapproved of the Bill of the hon. Gentleman the Member for Rochdale; that he considered its details were both impolitic and unjust; and that he should feel it to be his duty to oppose it in the House of Commons. It was rather difficult to reason with Gentlemen who came down to that House and proposed measures for enabling the tenantry of Ireland to forego all their engagements, and release them from all their liabilities. But these Gentlemen thought of no class but themselves, no interests but their own; there was a class in Ireland, the most numerous as well as the poorest and most miserable, on whom the whole brunt of the famine had fallen, and who, he believed, were as much entitled to a fair share in the produce of the land as either the landlord or the tenant; the class who lived by manual labour alone are entirely forgotten in this Bill. Hon. Gentlemen opposite took care enough of the tenant; he is to be protected and cherished; the landlord is to be sacrificed for his benefit; his property is to be valued by the tenant himself; but they never proposed that a labourer should have a valuation of his day's hire, or that those upon whose exertions, and upon whose strong arms, the prosperity of both landlord and tenant depended, should have the slightest participation in the benefits intended to be conferred by this Bill. It was entirely a measure for the benefit of one class, and its utter selfishness was apparent throughout. He had no fear that such a Bill would ever be sanctioned by the House; but he did dread the continuation in Ireland of an agitation which held out to the tenant-farmers hopes so chimerical that they could never be realised. He dreaded an agitation which taught the tenant to look on the landlord as his natural enemy, and to depend on a mere Act of Parliament for that protection and assistance which could alone spring from the cultivation of good feelings and mutual intercourse. He believed the agitation carried on by the Tenant League had had a material effect in lowering the price of land in the country. Capitalists would not invest money in property which was to be subjected to such rude and violent attacks. He would, in conclusion, ask hon. Gentlemen who had charge of this Bill to pause before they continued the unfortunate course they were now pursuing, by pretending to support a Bill whose objects are unjust, whose details are impracticable —a Bill which held out hopes and expectations that could never be realised—a Bill which he believed to be as vain a chimera as ever excited the feelings of a credulous and an excitable people.

Mr. MOORE said, the noble Lord who had just addressed the House complained that the supporters of the Bill had not gone into its details so much as he could have wished; but the promoters complained that those who opposed the Bill had done nothing else than go into its details. The noble Lord (Lord Naas) decried the details of the measure from beginning to end, but shirked its principle, and touched as he would have touched red hot iron the subject which he (Mr. Moore) thought of the most vital importance to Ireland. The noble Lord admitted, however, that he was in favour of compensation for improvements, though he objected to this Bill. That being so, let the House come at once to a decision on the principle of the Bill, and afterwards amend its details in any way they might think fit in Committee. Last year they went into Committee on the Ecclesiastical Titles Bill, with the solemn agreement that they were to alter in Committee every single word of that measure. The noble Lord said, if they passed this Bill it would leave untouched a mass of incongruous legislation having reference to this subject; but that was an argument which would equally apply to every attempt at legislation in that House. He (Mr. Moore) had the greatest respect for the right hon. Gentleman the Attorney General for Ireland (Mr. Napier), but he could not but think he was guilty of disingenuous treatment towards his countrymen who took a deep interest in this question. If the right hon. Gentleman had really agreed to the principle of his Bill, as he said he had, it would save the Irish Members great trouble and the people of Ireland great anxiety if he would state what were the modifications of the existing law which he was prepared to embody in his Bill. But the right hon. Gentleman had not even given an inkling that the Bill he had to introduce was likely to be less evasive and delusive than the promises which Irish Members had so often received on this subject from successive Governments. The antecedents of the right hon. Gentleman were not calculated to encourage such a hope. He had too high an opinion of the right hon. Gentleman's character for consistency and honour to believe any such imputation for a single moment. Now every man who knew that his improvements were to be deemed exhausted at the end of nineteen years, would of course take care to exhaust them in that time. The point was that he should not exhaust them, but should go on improving. The right hon. Gentleman the Attorney General for Ireland had said that his Bill was of an enabling character, and intended to confer freedom of purchase. That sounded very well; but he thought there was much to suspect about the statement. He believed the Bill the right hon. Gentleman was going to introduce had nothing to do with the interests of the tenants, and that it was thoroughly and exclusively a Landlords' Bill. What he objected to was not the Bill, but the manner in which it had been introduced into the House. He opposed it because he believed that it was brought in under false pretences—that it stopped short at the very identical point it professed to legislate upon—and that it would give fresh licence to authority and greater impunity to power. What did the hon. and learned Gentleman mean by freedom of contract? Did he mean uncontrolled liberty to enter upon any contract whatever? Freedom of contract was a right limited by the public good; and the enforcement of a contract was only dealing out the measure of the just rights of the contractors. Contracts pernicious to society could not and ought not to be enforced. To return to an unrestricted licence in contracts would be to return to the rudest and most elementary forms of savage legislation. He confessed that one of the most formidable difficulties in the settlement of the Irish question was this, that every point raised, every suggestion offered for placing on a better footing the social relations of Ireland, was discussed and considered, not with reference to its intrinsic merits, but with respect and regard to the existing state of society in this kingdom. Now, he believed that England would be indulging in a far truer as well as a far higher notion of her national capacities and national virtues if she could be induced to believe that her greatness, her wealth, and her power, were not produced by her laws, but in spite of them. It was not her Church laws, her corn laws, her game laws to which she owed her prosperity; such laws might repress her for the moment, but she would have risen superior to them all. He wished he could induce England to consider this subject in another light—he wished he could induce them to view it apart from that composition of feudal follies which disgraced their Statute-books. The question before the House was, whether the provisions of the Bill were consistent with the broad eternal laws of right and justice, and whether they were suited to the state of society in Ireland, which, be it remembered, was an exceptional state of society. Look to an agricultural county in England. What was the landlord there, and what was the farmer? The landlord was the representative of a property conferring happiness upon its possessor, holding an independent and honourable position, and surrounded by historic recollections. The farmer was scarcely less honourable and independent; he was the representative of the old yeomen, a time-honoured race. The reciprocal relations of both were twisted together by the congenial associations of native country and native race. These were the associations which bound them both together. What need have they of the written law to regulate and control their relations? Their contracts were not regulated by the written law, but by the law of the heart; and if the laws of Turkey were transplanted into this kingdom, those relations—those contracts—would remain the same. It was far otherwise in Ireland. The landlords there were aliens in blood, language, and religion. Their rights were founded in confiscation and rapine, and their most respectable hope was that the wrongs they had committed would be forgotten and forgiven. Now, what were the tenants? The tenants in his country were the descendants of a colony of convicts, exiled from their native land. The landlords had been the instruments of the law, the peasants had been the victims. The one hated the other with a just and natural hatred, for which they would both have to make atonement, and there was no sympathy of race between them; no feeling of humanity to unite them. Christianity itself seemed to be an element of repulsion; they hated each other for the love of God; and common misfortune, which is found to unite all other men, only served to disunite them; and they now sat upon the same raft, with hungry eyes, thirsting for each other's blood. It was a lamentable fact that here were two races of men, both rightly constituted, brought into dangerous collision, because both had been the victims of evil circumstances and evil systems, which had perverted in their minds the instincts of humanity and the precepts of religion. What was the Irish landlord's position on the soil? His original title was derived from confiscation. The tenant had no security, no property, in the land. He took a piece of waste land, he fenced it, he preserved it from exposure, he drained the morass, he erected the walls which sheltered man and beast. These might not be very scientific improvements—they were those which the capitalist would fail to accomplish, and they were the work of the tenant. What was the result? His property in them was torn from him—they were grasped and sucked into the omniverous vortex of what was called property. Here was an instance. The tenant took a piece of mere moorland soil; the most scientific capitalist could not reclaim it; how did the honest peasant succeed? By devoting to it his labour from year to year, at the bare price of existence; that was to say, he invested all the difference between the fair wages of labour and that which would support human life with the commonest necessaries. At the end of twenty-one years, when he had created a little property of his own on the surface of the soil, he found the fruits snatched from the lips of himself and his children. [Mr. Conolly: Is he turned out?] He is turned out, unless he consents to pay an increased rent, and whether he was entirely evicted, or subjected to an increased rent, the crime was just as great, for he had still been robbed of the just fruits of his labour. That was his answer to the interruption of the hon. Gentleman. Well, then, Christianity, humanity, and common sense united in saying that this was an abominable wrong. It was then their object to redress it. Did the law, however, interfere on one side or the other? Suppose the tenant, two or three years before his lease determined, resolved on procuring from the soil the utmost amount of profit that it would return, and for that purpose proceeded to burn the surface, did the law stand neuter? No; he was liable to a fine of 10*l.* per acre. The law would not allow waste. It was vain to show that he was only wasting what he had created. There was not one word in the Act of Parliament for improvements, but it interfered with waste. If it interfered at all it ought to interfere equally. If it came in to scourge the poor, it ought also to come in to shield the poor. But did the law deal out the same measure of justice to the rich man? He answered, No. A gentleman might take 500 or 1,000 acres of the richest land in Ireland; he might plant every acre with trees, and register them without the consent of the landlord; and when his lease determined he might call upon the landlord to pay him for every one of them; if he refused, he might bring him before a jury and the justices of the sessions, who would grant him compensation. Failing that resource, he might cut them down, leaving the land a mass of stumps of trees. The law did not call that a waste, because it was interfering on behalf of one of the privileged classes who made the law. The Irish people called on them to extend these laws. If it was wise to extend protection over the forests, it was equally wise to extend it over potatoes and corn. The origin of these laws was to encourage planting in Ireland; but if it were just and wise to encourage trees, how much more so would it be to encourage good husbandry in Ireland? Their legislation had trampled out the middle class in Ireland. The express intention of their laws was to divide the population into two classes: one to possess all the rights of property; the other, as Mr. Burke declared, to be drawers of water and diggers of turf. What was the consequence? The people were flying from them. It was no light matter for an empire to lose millions from among the most martial of her population, and that at a moment when danger was at their doors. They might look round when the day of trial came; they might look round for that gallant race which stood up between France and England at Quatre Bras and at Waterloo. If the population that were flying from them into a strange and hostile country were emigrating to their own possessions, they might derive consolation from the fact that there would be peace between them. But it was not so. They had found another world on this side of Heaven, where their first hope was to obtain a refuge from the Power which oppressed them, and their next was future vengeance.

Sir WILLIAM SOMERVILLE said, he was anxious before the House came to a division to address a few observations upon the subject of the Bill, the more especially as he had taken some part in this question. The hon. Gentleman who had just sat down would pardon him for saying that, in the very eloquent speech which he had delivered, he had carefully avoided any discussion on the principles or details of the precise measure under consideration. Now, upon questions of this kind, which were intended to settle relations so important as those existing between landlord and tenant, it was necessary to take a sound practical view. He felt himself compelled to vote against the second reading of the Bill, not because he objected to the details of the measure only; for such was his opinion of the great importance of the question, that, if he did not object to the principle, he would waive his objections to the details, in the hope that they might be amended in Committee, and that they would be there enabled to devise a measure which would confer practical benefit upon the country. He should be sorry to believe that the description which they had just heard given of the relations between landlords and tenants in Ireland, was applicable to all the provinces. He was not so well acquainted with the province of Connaught; but in other parts of Ireland he could undertake to say that no such antagonism, hostility, and unfriendly feeling existed between the landlords and their tenants as the hon. Member had described. If that description was borne out by the facts, he should regard any attempt to improve such a state of things by legislation as completely hopeless. The hon. Gentleman said that the Bills introduced upon this subject by former Governments were a mere delusion. For himself he could say—and he was sure he might assert the same of the Duke of Newcastle and others who had preceded him in office, that they would never lend themselves to a delusion of any kind—but for himself he could say, that when he undertook this subject upon entering office, he did so with the *bonâ fide* view of conferring some benefit on the country. This difficulty, however, met him upon the very threshold, that they were endeavouring to do by Act of Parliament that which could only be done by mutual agreement. Then there was this other difficulty—that no Government who meddled with this question attempted to deal with retrospective improvements, or, in other words, to supersede existing contracts. The first Bill he introduced had only reference to prospective improvements. That Bill was referred to a Select Committee, upon which there were a great number of Gentlemen connected with Ireland. When the Bill came out of that Committee, it was too late to proceed with it during that Session. In

1849 he introduced the second Bill upon this subject, and that Bill also only dealt with prospective improvements. It was founded on certain arrangements which had previously been entered into between the landlord and tenant; and those arrangements were carried out by what he must admit was a complicated machinery. He would venture to prophesy that no Bill could be introduced which would be hampered by a complicated machinery, the satisfactory working of which would not in the end be doubtful. When he introduced that Bill to the House, his noble Friend the Member for Down immediately asked him whether or not the Bill contained provisions of retrospective improvement? Upon being answered that it did not, he immediately replied that that answer was quite sufficient, and that the Bill would not give satisfaction to the country; and, in fact, an opinion hostile to the Bill having been spread through the country, he did not think that he could carry it through the House with any hope of giving satisfaction; and indeed the extreme expectations which had been kept up outside these walls, rendered it impossible for them to legislate satisfactorily upon the subject. The hon. Member for Rochdale had now introduced his Bill; and it was presented to them as one which had received the general approbation of the tenantry, and the sanction of the Tenant League of Ireland. Now, the tenant-right which prevailed in Ulster was founded on mutual understanding and good will; and it was impossible to introduce such an understanding and good will by compulsory enactment; and if they could, to introduce everywhere a compulsory system of the kind, would be nothing more nor less than to punish every indulgent and moderate landlord. Suppose a gentleman whose land at a rackrent was worth 30*s.* an acre, was content to take 20*s.*, in order to leave his tenants a wide margin, and in order that they might live comfortably and be well fed and clothed with their families: what would be the result? Why, that the tenant would sell his interest at the higher value, and the landlord would, after all, have inflicted upon him a rack-rented tenantry. The very preamble of the Bill was contradictory; it stated—

> "Whereas, it has long been the practice in Ireland, that lands are let to the tenants occupying the same on determinable tenures, or at will, or from year to year, without written agreement, and without any suitable buildings or other necessary appendages for residing on and cultivating such lands, or any such sufficient allowance given or engaged to be given in consideration thereof, or in consideration of any expenditure necessary or proper to be incurred for draining or otherwise permanently improving the soil: and whereas the occupying tenants under such circumstances have just cause of complaint from their liability to dispossessment without any security for the value of their beneficial interest created by their capital and labour expended on the premises: and whereas it appears that as a remedy for the aforesaid causes of complaint a custom known by the name of 'tenant-right' has been established in the province of Ulster, and more particularly in those parts called the Ulster Plantation, according to which custom a right of continued occupation is enjoyed by the tenant in possession, subject to the payment of the rent to which he is liable, or such change of rent as shall be afterwards settled from time to time by fair valuation, with a right to sell his occupation to any solvent tenant to whom the landlord shall not make reasonable objection, and that such tenant shall not be evicted by the landlord without being permitted to sell his interest, or else being paid by the landlord the value thereof, as if sold to a solvent tenant; and whereas on the faith of this custom, in districts wherein it has been established, valuable improvements have been made, and repeated sales of property have taken place, and the present occupiers are now generally in possession by the purchase of former tenants' interests in the premises; and in accordance with the said custom increased rents have been assessed on and paid by tenants in consequence of the increased productive power and letting value of lands created by the improved culture of the soil under the said custom: and whereas by the demand and enforcement of excessive rents, through the means of an unrestrained power of eviction, tenants may be deprived of their just rights under the said custom, and of the enjoyment of the fruits of their labour and capital, without any adequate compensation for the same; and it is expedient to give a more effectual protection to such tenants; and whereas in other parts of Ireland where the aforesaid custom does not prevail, there is no security for capital expended by the tenant, and divers evils have arisen therefrom, and it is necessary that speedy remedies be devised for the same."

Why, if there existed such a custom and such a right as recited, no legislation was required, and there cannot be an unrestrained power of eviction. The two first clauses defined what was a landlord, and what was a tenant, and what was a fair rent—which was defined to be the landlord's just proportion of the money value of the gross produce, according to the market price of such produce, which the lands in the occupation of the tenant were capable of yielding under a fair system of improvement and culture. Not to pursue these definitions, he would merely say that a lawsuit was contained in every one of them. Their object ought to be, as far as possible, to discourage litigation in Ireland, but least of all should they encourage it between landlord and tenant; and if they defined the rights of the two classes, both would be inclined rigidly to adhere to them. He should not allude to the method of fixing rents by arbitration. He felt that such a system was impossible, and if it were not, it would be the worst system that could be introduced. If the landlord was to pay for every improvement made upon the soil, they would have to adopt the Scotch system—where, if the tenant in occupation did not farm his land in a husband-like manner, there was a power of taking him before a court of justice; and if he did not find security for the proper cultivation of his farm for a given number of years—he thought five—the landlord was put in possession of the farm. Such a system would produce universal dissatisfaction. Suppose a person to be depending upon a farm, the rental of which was 500*l.* a year. The tenant might lay out 1,000*l.* upon the improvement of the farm, and then give notice that he meant to give up the farm. But if the landlord were not able to pay the 1,000*l.*, which it was not likely he would be able to do, the tenant would then be entitled to hold his farm, and to pay no rent till the value of these improvements was paid. He was surprised that hon. Gentlemen who disapproved of every detail in the Bill should yet express an intention to vote for the second reading, in the hope that it might be amended in Committee. He could not take that course, because the two principles of the Bill—the retrospective compulsory improvement clause and the clauses for the compulsory valuation of rent—were what he could never approve of. If the measure were passed into a law, there was not a gentleman in Ireland who would know what his property was worth; and no man would buy an estate subject to such encumbrances as these. Hitherto, Parliament had acted upon the principle that, however heavy the charges upon the land in Ireland might be, at all events the proprietors should know what they were. That was a sound and just principle to adopt; but it was entirely abrogated by this measure. Though he had had no Bill of his own to present to the House during the present Session, yet it had been his intention to have submitted a measure to the late Government upon the subject, which, if carried into effect, would have accomplished very great changes in the law of landlord and tenant in Ireland. However, it was of no use alluding to those matters now: the question was in the very competent hands of the right hon. Gentleman opposite, the Attorney General for Ireland; and all he could say was, that he would be happy to afford that right hon. Gentleman every assistance in his power. He did not think any House of Commons would pass such a measure as the present; and he, for one, would vote against the second reading.

Sir W. Somerville

Mr. REYNOLDS regretted that an experience of five years in office as Chief Secretary for Ireland had not enabled the right hon. Baronet who had just spoken to make a more practical speech on this subject. Though he (Mr. Reynolds) had not the honour to represent an agricultural community, he represented a constituency which felt anxious for the passing of a measure to settle the vexed question of the relations between landlord and tenant; and he referred in proof to a petition agreed to by a public meeting held in Dublin, and presided over by the Lord Mayor. The question was one that had agitated Ireland, not for one year, nor for two years, but for hundreds of years, during which period, he was sorry to say, the existence of the feelings which led to the present agitation, could be traced in Ireland in characters of blood. Was the late Secretary for Ireland prepared to leave the country in that condition? He objected to the principle of this Bill; but the fact was, that in the Bill which the right hon. Baronet introduced some years ago, the same principle was contained, for provision was made for retrospective compensation on the understanding that it was not to exceed three years' rent. Was he now prepared to leave Ireland in its present state? The right hon. Baronet had referred the House to the measures promised by the right hon. the Attorney General for Ireland; but what security had he that the right hon. Gentleman would not be on the bench before he could bring one of his Bills into Parliament? The right hon. and learned Gentleman had already passed more promissory notes of a political character than any other learned Gentleman in his position had ever done before, and he doubted if he would be able to pay them when "at maturity." It had oozed out that the witnesses before the Crime and Outrage Committee, of which the hon. and learned Gentleman (the Attorney General for Ireland) was chairman, declared in substance that the agrarian outrages in some northern counties were traceable to the non-settlement of the landlord and tenant question. Every day that exodus which was depriving Ireland, not only of the property, but of the bone and sinew and intelligence, of the country, continued to a destructive extent; and this stream of forced and destructive emigration was caused by the refusal of the Legislature to do justice to the occupiers of the land. While the banks of England and of Scotland issued more paper than they were allowed by law to do, the banks in Ireland, on the contrary, issued 2,000,000*l.* less than the amount she was legally entitled to have in circulation. Why was this? It was because every source of wealth and prosperity in that country was dried up. He held in his hand an official return of the produce of the estates sold in Ireland under the Encumbered Estates Act, from the 25th of October, 1849, to the 31st of January, 1852. In Leinster the estates sold produced 1,325,896*l.*; in Munster, 1,698,487*l.*; in Ulster, 950,135*l.*; and in Connaught, 708,357*l.*; making, with the fractions, a total of 4,682,877*l.*, and showing that in the province of Ulster, where the tenant-right prevailed, the number of sales were the least, except Connaught, which was in a most unsettled state. The number of landlords who had been sold out was 559, and the number of purchasers was 1,640. The number of acres actually sold was 6,698,328, the total number of statute acres in Ireland being 20,000,000; so that about one-third of the land in Ireland had been sold in order to realise 4,500,000*l.* He had selected the amounts produced in four counties in each province, which would put the point more clearly before the House. In the first three provinces there did not exist any tenant-right. Leinster—County of Dublin, 225,628*l.*; Meath, 320,000*l.*; Kilkenny, 148,000*l.*; Westmeath, 165,000*l.*; total, 858,628*l.* Munster—County of Cork, 626,785*l.*; Limerick, 424,371*l.*; Tipperary, 232,000*l.*; Waterford, 122,037*l.*; total, 1,405,193*l.* Connaught—County of Galway, 436,756*l.*; Mayo, 158,554*l.*; Roscommon, 77,807*l.*: Sligo, 19,000*l.*; total, 692,117*l.* He would now mention four counties in Ulster where tenant-right existed. Armagh, 35,000*l.*; Donegal, 38,405*l.*; Down, 102,015*l.*; Londonderry, 7,015*l.*; total, 182,535*l.* Here then it appeared that, while in the four counties in Ulster the estates sold produced only 182,535*l.*, the produce of estates sold in four counties in the ill-regulated and impoverished province of Connaught amounted to nearly 700,000*l.* What was the cause of this difference? Was it not obviously to be traced to the fact that tenant-right existed in Ulster, and did not exist in Connaught, Leinster, or Munster? On an examination of the estates offered for sale in the Incumbered Estates Court, it would be found that those landlords whose estates were most hopelessly embarrassed, were those who had refused to recognise tenant-right, and who had treated their tenants with the greatest cruelty. The House must do something with these figures. The people would not bear the existing state of things any longer. They were being led on upon this question by their spiritual teachers, and they must ultimately prevail. The hon. Gentleman then read a statement, showing how the relative importance of the British nation, as compared with the United States, had sensibly changed within the last ten years. The increase of the British population from 1831 to 1841 was 2,668,572; whereas the increase from 1841 to 1851 was only 432,707. But the increase of population in the United States during those last ten years was computed at 6,204,133. And of what did the increase in the two cases consist? In Great Britain the increase was by births, whereas the increase in the United States was made up to a great extent of the male population of Ireland, full-grown men, who were driven by oppression from the land of their birth to seek shelter and protection in that country. He hoped the House would read the Bill a second time, so that it might be made a good Bill in Committee. They had been told to wait, but the people of Ireland were tired of waiting. A general election was approaching; and although he did not wish to hear the cry of "No Popery," or of "Protection," yet it was quite possible to raise a cry upon Sharman Crawford's Bill. [*Derisive cheers.*] Yes; and he would give those hon. Gentlemen who cheered full notice, that wherever he could by precept or example rouse the people of Ireland to a due sense of the value of that measure, he should not only deem it patriotic, but a religious duty on his part to do so. In conclusion he felt it his duty to caution the House against rejecting this measure of justice. This was not a question of a political or sectarian character; the Catholic clergy of the south and west had joined the Presbyterian clergy of the north, and were the leaders in every movement to force this question on the attention of Parliament. This was a combination not to be disregarded, and that House might rest assured that neither peace nor prosperity could exist in Ireland until a full and ample measure of tenant-right was conceded.

LORD CLAUD HAMILTON said, the hon. Gentleman who had just sat down had begun by complaining that the speech of the late Chief Secretary was not a practical speech; but though the hon. Member himself had addressed the House for more than half an hour, yet he had scarcely alluded to the Bill under discussion, or ventured to show that the principles which he assumed to be in the Bill were really there; but he avoided the question altogether, confining himself to an endeavour to influence by fears those Members whom he could not hope to persuade by argument. He had not attempted to show that the Bill was calculated to meet any one of the evils that existed in Ireland; but he held out a threat that he would raise a cry in Ireland on the subject. But the British Parliament was not to be influenced by such an appeal to their fears. The hon. Member then talked of the people being led on by their clergy, and all who knew Ireland knew that was too much the case; but still he believed there was more independence among the laity of Ireland than most people imagined, and he trusted they would not be led by their clerical agitators to make so absurd a measure as this the foundation of their support or opposition to candidates at the coming elections. He had threatened the hon. Member for Donegal (Mr. Conolly)—the only threat, he believed, which the hon. Member was capable of carrying out—with being stopped by the shouts of a mob if he attempted to express his opinions in Ireland. He could only say, that, though the hon. Member might thus lend himself to a vindictive and a selfish agitation, yet he trusted that neither he nor any other man would so be able to submerge the principles of liberty and fair dealing as to prevent his hon. Friend from fairly and manfully expressing his convictions. He might also allude to the speech of the hon. Member for Mayo (Mr. Moore), whose talents few would deny, but who had, in his speech on the question, shirked both the principle and the details of the measure. The only reference he made to the Bill was to say, that he was prepared in Committee to alter every line and every syllable. This proved that his good sense fully appreciated the absurdity of its contents. He said he would vote for its principle; but he carefully guarded himself from saying what that principle was, and from attempting to prove that it could be legitimately derived from the clauses of the Bill. In fact, the speeches that had been made on the opposite side were little better than election speeches. It was not a little remarkable that no one Member who professed to approve of and support this Bill, had attempted to show from its clauses, that it could cure any existing evil in Ireland. They all avoided it as an unclean thing, and indulged in popular declamation on other topics; they also all avoided a statement of the crying evils and dreadful oppression that were supposed to justify this extraordinary interference with social arrangements, and this arbitrary meddling in the contracts of free individuals. If landlords did cheat their tenantry and rob them of the just fruits of their industry, why was it not exhibited? Why were not instances adduced and cases substantiated, so that such infamy should be held up to the reprobation of the public? Nothing of this kind was even attempted, which he could only attribute to the fact, that such misconduct did not exist: certainly in his county such things were unknown, and would be universally reprobated if attempted. But this was altogether a selfish agitation. It was melancholy to see men thus sacrificing the dearest rights of Ireland—ready to destroy the privileges of property and the rights of industry, which were inseparable from them—sever the dearest relations of life, check the progress of industry and improvement—and all to serve their own selfish interests at the coming election. That was the clue to explain how it was that the real interests of Ireland were so often neglected. With regard to the Bill itself, he had no hesitation in characterising it as of a dangerous and revolutionary character—it was a middleman's Bill—embodying the principle of robbing the landlord and spoliating the cottier. He acquitted the hon. Member for Rochdale (Mr. S. Crawford) of any intention to effect all this mischief; but he did not acquit him of attempting to carry out a measure which was so mischievous and reprehensible; and he told him fairly that he was convinced the hon. Gentleman was not the author of this Bill. He was convinced he was not the author of the Bill; for in none of the measures heretofore introduced by the hon. Member, was there any attempt at so unconstitutional a principle as that sought to be introduced by the present Bill; but if he were not the author, he had no right, by legislation on a subject he did not understand, to endanger property to the value of many millions. He seemed to think he had a heaven-born right to meddle with other persons' affairs, and arbitrarily to decide how free men were to conduct their own arrangements. The author, whoever he was, while attempting to legislate upon what he called tenant-right, had not even made himself master of what the tenant-right claimed was: it was a subject which required more practical and local knowledge than the hon. Member seemed to possess. The author of the Bill had referred to the custom of tenant-right existing in Ulster, but he had not taken the trouble to make himself master of the details; and the consequence was that he had brought into question property to the extent of hundreds of thousands of pounds, which his constituents had received, and thought they enjoyed with perfect security; but which the author of this Bill, by his blundering allusions to it, had now put in peril. The definition of tenant-right in the preamble was inaccurate, and involved a principle of valuation which was not known or recognised where tenant-right existed in the utmost security. The real author of the measure he believed to be one of those clerical leaders before whom the hon. Member for Dublin wished to make the House quail—a Presbyterian clergyman of the name of Rutherford. Much confusion must have existed in the mind of the person who drew up the Bill; its language was everywhere contradictory and irreconcileable. Thus, in one part of the preamble it was said that tenant-right was a remedy for certain evils there set forth, whereas in another part of the same preamble it was said that tenant-right was no remedy at all, but that its operation was to enable the landlords to raise great and excessive rents. The definition of tenant-right in the Bill was such that he defied any one to point to any district in Ireland where such a custom as there described was to be found; and the effect had already been, as he had said, to raise the question in some quarters of the propriety of tenant-right altogether, thus disturbing the property of many of his (the noble Lord's) constituents. He readily admitted all the difficulties that beset the subject, and he must remind the House that it was one thing to permit the existence of what was already established, and quite another thing to establish the same thing by legislation in places where it did not before exist. He must remind the House that it was not the tenant-right which had made Ulster what it was; it was the habits and the qualities of the people of Ulster that had made tenant right. It would not, therefore, be transplanted into other districts without becoming wholly inoperative; for the absence of those habits of thought and social characteristics which had led to its creation in Ulster, would render it quite inapplicable amongst a population of a totally different character. [*Cries of* "Divide!"] He admitted that the House was entitled to express its impatience, but he hoped they would bear with him for a few moments longer, as he represented a constituency that would be considerably affected by this Bill. He had stated that the principle of this Bill was to rob the landlord, and to oppress the cottier; for the tenant, who frequently paid his rent to the landlord out of the labour of the cottier, was not responsible to the latter for his share in the improvements, while it was provided that if a tenant at will wished his rent reduced, he had but to give notice that he intended to leave the farm, claim for improvements, get his case before a jury, and then he could remain without paying rent at all until the claim was settled; and the House need hardly be reminded that, as every tenant was invited to claim compensation and to refuse any rent until the matter was settled, and had also the right to appeal to a jury, it was impossible for all these claims to be settled for several years, even if all the usual law business was suspended, and the assistant barristers and Judges were to devote their whole time to the disputes between tenants and landlords. But no such power was proposed for the poor cottier; his whole capital was his labour; his wretchedly ill paid and tyrannically exacted labour was the source of nearly all the improvements that were made. Was this to be protected? Alas! no; and this was no accidental omission, it was the real principle of the Bill. He had been often asked whether he would support this Tenant Right Bill; and when he asked the promoters, in return, what they intended to do in order that the poor cottier might have the benefit of it, he was invariably met with a burst of indignation. The cottier, indeed! He did not take in the tenant-right newsapers—he did not subscribe to the tenant-right fund—he did not vote for Members of Parliament: what claim could he have to benefit? And this was the morality of this unprincipled agitation, by which many hoped to obtain seats in Parliament. But even this did not represent all the injury done to the cottier. He is now poor, and often helpless: this Bill would make him hopeless. At present, in cases of gross oppression, he can appeal from the middleman to the landlord, and often with success. He looked to him for protection, and knew he was anxious for his welfare; but pass this Bill, and the wretched cottier would see his former patron at the mercy of the middleman, and actually see him forced to pay sums of money in consideration of the improvements created by his own ill-requited labour, whilst the middleman would deny him any share in the money thus obtained on account of his exertions. See how carefully the cottier is excluded. The definition of tenant shuts him out, and the iniquitous third clause expressly says that all improvements shall be presumed to have been done by the occupying tenant; thus asserting a fact against all evidence and truth, for the purpose of enabling the middleman to exact remuneration from his landlord for the labour of his cottier, who is deprived of all power of asserting any such claim against the occupying tenant. The Bill was a mere *rechauffé* of the old repeal agitation. The tenant-right agitation was led by the same men, and was worked by the same machinery and the same demagogues. These patriots would not work without money. All Irish patriotism was professional. They had had the insolence to assess his county to the amount of 940*l.* They held a public meeting, but the good sense of the farmers saw through their duplicity—the meeting was a total failure; they did not get as many pence as they had claimed pounds, and they have never ventured to show their faces in the county town since. The Rev. Mr. Rutherford, the real author of the Bill, had urged the tenantry "to combine, so that all the landlords would be in the poorhouse." That was the principle of the Bill. ["Hear, hear!"] Yes, the clauses by which that principle was carried, could be readily pointed out. The men who promoted it were the mere agents of a body called the Tenant League, and he asserted the Tenant League was the remains of the old agitation with which Ireland was too familiar. He called on the House to reject so wild a measure; and he would, in conclusion, remind the House that all the wealth and progress of Belfast had arisen under the same laws that left the rich soil of the western counties sterile and wretched. It was not legislation that was required, but self-reliance, individual exertion, and enterprise. These real elements of national wealth, would be destroyed and driven from the land by such an enactment as this.

MR. NAPIER wished to say, as some observations had been made respecting the course he had pursued, by the hon. Member for Dublin (Mr. Reynolds), that for the last two years, as an independent Member of the House, he had endeavoured to produce a good Landlord and Tenant Bill, believing such a measure to be essential to the welfare of Ireland, and he had therefore sat upon the Commission which had been alluded to, though little good had resulted from its labours, beyond those which arose from the continual discussion of an important subject. He had placed in the hands of two friends of his all the papers in his possession which bore upon the matter, and they had produced a book which he thought extremely useful, though he did not agree in all the views it set forth. As long as he thought the late Parliament would take up a Bill founded on the views enunciated in the book, he had not brought forward any measure in reference to the state of landlord and tenant in Ireland; but when he found they did not intend to propose any satisfactory Bill, he set to work to embody in some Bills the substance of the work to which he alluded, and he had at the present moment the draughts of three Bills prepared on the subject. The first was a consolidation of nearly 70 statutes relating to the law between landlord and tenant. The second had reference to the consolidation of leasing powers, and arranged the terms of letting land, so far as a contract between two parties was concerned; and the third Bill was to provide compensation for improvements to the industrious tenant, though the difficulty of arranging machinery sufficiently simple to be useful, and not conflicting with those fixed principles which he never would consent to disturb, was not to be lightly regarded. He had brought forward these Bills with no view to landlord interest, but rather with a sympathy for the industrious tenant; and he had framed them, he sincerely and unaffectedly declared, with every desire to do good to the Irish tenantry. These three Bills were now under the consideration of Government, and he need only say that he would not have degraded his office, his character, and his labours by bringing them forward for any electioneering purpose.

Mr. SHARMAN CRAWFORD replied, and complained he had been rather unfairly treated by hon. Members, who supposed that he was the tool of any man or of any body of men. For whatever good or evil there was in the Bill, he alone was responsible. There was no Bill without defects; and if the House went into Committee upon the Bill, he would gladly yield to any suggestions to improve it in detail.

Question put.

The House *divided*:—Ayes 57; Noes 167: Majority 110.

List of the Ayes.

Adair, R. A. S.
Armstrong, Sir A.
Barron, Sir H. W.
Bass, M. T.
Bellew, R. M.
Blake, M. J.
Bright, J.
Burke, Sir T. J.
Butler, P. S.
Castlereagh, Visct.
Cobden, R.
Cogan, W. H. F.
Corbally, M. E.
Devereux, J. T.
Fox, R. M.
French, F.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Heard, J. I.
Henry, A.
Higgins, G. G. O.
Howard, P. H.
Howard, Sir R.
Keating, R.
Keogh, W.
Kershaw, J.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mahon, The O'Gorman
Milligan, R.
Monsell, W.
Moore, G. H.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, M. J.
O'Flaherty, A.
Perfect, R.
Power, N.
Rawdon, Col.
Reynolds, J.
Sadleir, J.
Scrope, G. P.
Scully, F.
Scully, V.
Sullivan, M.
Tennent, R. J.
Thompson, Col.
Wakley, T.
Walmsley, Sir J.

TELLERS.
Crawford, W. S.
Roche, E. B.

List of the Noes.

Adderley, C. B.
Anson, Visct.
Arkwright, G.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, S.
Blandford, Marq. of
Bonham-Carter, J.
Booth, Sir R. G.
Bowles, Adm.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Brooke, Sir A. B.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Carew, W. H. P.
Caulfeild, J. M.
Cayley, E. S.
Chichester, Lord J. L.
Child, S.
Christopher, rt. hon. R.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Collins, T.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Damer, hon. Col.
Davie, Sir H. R. F.
Davies, D. A. S.
Denison, E.
Dod, J. W.
Dodd, G.
Drumlanrig, Visct.
Drummond, H.
Drummond, H. H.
Duncan, G.
Duncombe, hon. A.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Forster, M.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Galway, Visct.
Gilpin, Col.
Gore, W. O.
Goulburn, rt. hon. H.
Granger, T. C.
Greenall, G.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Hastie, A.
Hayes, Sir E.
Headlam, T. E.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hotham, Lord
Hughes, W. B.
Hume, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Long, W.
Lowther, hon. Col.
Lowther, H.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
March, Earl of
Morgan, O.
Naas, Lord
Napier, J.
Neeld, J.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, R.
Patten, J. W.
Pennant, hon. Col.
Philips, Sir G. R.
Pilkington, J.
Pugh, D.
Pusey, P.
Ricardo, O.
Richards, R.
Rushout, Capt.
Sandars, G.
Seymer, H. K.
Smyth, J. G.
Smollett, A.
Somerville, rt. hn. Sir W.
Stafford, A.
Stanley, E.
Stuart, H.
Stuart, J.
Sturt, H. G.
Tennent, Sir J. E.
Thesiger, Sir F.
Thicknesse, R. A.
Thornely, T.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Vyse, R. H. R. H.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Welby, G. E.
Whiteside, J.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.
Bateson, T.
Mackenzie, W. F.

Words *added*;—Main Question, as

amended, put, and *agreed to*:—Bill *put off* for six months.

The House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, May 6, 1852.

MINUTES.] PUBLIC BILL. — 2ª Ecclesiastical Muniments.

Their Lordships met, and having gone through the business on the paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 6, 1852.

MINUTES.] NEW WRIT.—For Perth, *v.* the Rt. Hon. Fox Maule, now Lord Panmure.

PUBLIC BILLS.—1° New Zealand Government.

2° Grand Juries (Metropolitan District); Stamp Duties (Ireland) Continuance; Property Tax.

3° Stock in Trade.

MILITIA BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

Clause 1.

MR. JACOB BELL said, he meant to oppose the Bill under all circumstances, not from any factious motive, but because he had a most unmitigated aversion to the measure. Had any real urgency existed when it was brought forward by the late Government, the whole House would have united for the defence of the country; but instead of that, the opportunity was taken for party discussions, and for bringing about a change in the Government. He thought this was a demonstration justly calculated to excite complaint from our neighbours abroad. It had not been shown that there was any real danger of aggression from the other side of the Channel. It might with greater truth be said that the danger of aggression was on this side only, for certainly we had committed every description of aggression which could be effected by words. He was not alluding to the public papers merely, which everybody knew were apt to take up any topic calculated to create a little excitement in the public mind, but to the speeches made in that House, which had been of such a description that, if any aggression should really be made from across the Channel, it could hardly be called spontaneous. These debates had a tendency to revive those animosities between England and France which had been excited by the last war, but which were dying out, and which the Exhibition of last year had done so much to extinguish. It appeared to many persons that nothing but brute force was to be considered in the defence of the country; but he could quote in opposition to that opinion the authority of a great statesman who asked, "What are opinions against armies? My answer is, they are stronger than armies if they are founded in justice, and they will prevail against the bayonets of the infantry, the fire of artillery, or the charges of cavalry." Those were the words of the noble Lord the Member for Tiverton (Viscount Palmerston), who was the other night reduced to quote the pamphlet of an anonymous idiot to turn the friends of peace into ridicule.

Clause *agreed to.*

Clause 2 (enabling field officers in the Army to be appointed to the same rank in the militia without property qualification).

COLONEL SIBTHORP said, he now begged to move the Amendments of which he had given notice. Although he approved of the introduction of the Bill, and greatly preferred it to the measure submitted by the late Government, he objected to any alteration in the condition of the militia force, as it had been fixed by former Acts of Parliament, and he was especially hostile to any provision having for its object the taking of the appointment of the officers out of the hands of the Lord Lieutenants of counties, and vesting it in those of the Secretary of State. He was also decidedly averse to the abolition of those landed qualifications which were provided by former Acts, and which were absolutely necessary for maintaining the efficiency and respectability of the body, and for preserving its constitutional character as a county force. He did not see why these alterations should be made when no dereliction of duty had been or could be alleged on the part either of the Lord Lieutenants of counties, or of the militia officers. It was more likely that men would readily enrol themselves, and more cheerfully endure hardships, in a force commanded by those who resided amongst them, and between whom and themselves there existed feelings of mutual attachment, than if the force were officered by other gentlemen, however respectable or distinguished they might be. To alter the constitution of the force in the manner proposed, would be to cast an undeserved reflection on the Lord Lieutenants of counties, and on the present militia officers; and would, in fact, be to re-model the whole system. He admitted that the militia staff was not now in as efficient a state as it might be; but whose fault was that? If that House, in pursuance of a despicable and most mistaken policy of economy, would, year after year, cut down that which was at first intended to be kept up as a great and creditable national establishment, the fault attaching to any want of efficiency in the force was not fairly to be attributed to the Lord Lieutenants or to the militia officers, but rather to those who could sanction such ill-judged and infatuated economy. This state of things might, however, be easily rectified; and he thought it was the duty of the Government to take steps for that purpose. They had been told by two successive Governments that there was an immediate necessity for a defensive force; and he was not surprised that it should be so after we had coaxed and encouraged into the country, by our Great Exhibition, every foreigner who could scrape together enough of money to bring him to London. We had laid open to them the state of our shipping and the condition of our defences, both naval and military, and it was not to be wondered at that they should have made the best of their opportunity to examine the position of our country, and to acquire such information as might hereafter be used to our detriment. He would have done as much himself had he been a foreigner, living on frogs and sour krout. He did not question that there were some respectable foreigners, and such of them as were so he esteemed; but he admitted that, as a body, he did not much like them, and he was not surprised at the results that had followed from our absurd proceedings in fostering and encouraging them. The House had been assured by military men that a foreign force might be landed on our coast without our having the power to prevent it, though the hon. Members for the West Riding and Manchester (who knew nothing about marching or muskets, and would not stir hand or foot to expel the invaders), as men of peace, had told us that such a thing could never take place. He believed that there was danger; but if it were to be met by a county force, that force must be officered by county gentlemen. He believed that there would be no lack in any county of spirited young men to step forward and offer themselves for enrolment (though not for the sake of the dirty 6*l.*, the offer of which they would regard as an insult); and he believed, too, that if the ballot were necessary, there would be no objection on the part of the English people to assist both with hand and purse those who, from various circumstances, might be indisposed to serve. Why, then, should the Government cast an undeserved reflection upon a body of men who did not deserve it, or upon those who might be disposed to come forward in the various counties? Sir John Moore, Lord Hill, and the Duke of Wellington had all of them borne testimony to the value of the militia officers; and, therefore, without at all wishing to throw any impediment in the way of the passing of this Bill, he must entreat of the Government not to permit any innovation in the old-established and truly constitutional system of officering that force.

Mr. WALPOLE said, that the remarks that had fallen from his hon. and gallant Friend appeared to him to have reference to two points—the appointment of militia officers, and their qualifications. With respect to the appointment of officers, he begged to remind his hon. and gallant Friend that no change whatever was contemplated by the present Bill. The right of appointment was still to remain, as was the case under the old Acts of Parliament, in the hands of the Lord Lieutenants of counties, subject of course to the approval of the Crown; and there was an express provision in the Bill that in the event of the approval of the Crown not being signified within fourteen days, the appointment of the Lord Lieutenant was to be considered as final. As to the question of qualification he would remind the hon. and gallant Member that the provisions of the old Act were, that the colonel should have not less than 1,000*l.* a year in land; the lieutenant colonel not less than 600*l.*; the major not less than 400*l.*; the captain not less than 200*l.*; and the deputy lieutenant not less than the same sum. Those were the qualifications which were required by the 42 *Geo.* III., c. 90. The object of these regulations appeared to be to secure the independence of the force, and to require its being officered by gentlemen of position and property in the county. Under the new Bill the qualifications of the colonel and lieutenant colonel, and major, would remain precisely as they had been fixed by the statute of George III. But the land qualification of the captain, and of all officers under that rank, would be taken away. The land qualification of the colonel, lieutenant colonel, and major would also be taken away in one event—that of the Lord Lieutenant of the county nominating to those positions gentlemen who had served in the same rank in the Queen's Army, or in the East IndiaCompany's service. The object of that alteration must be obvious to the Committee—it was to get good officers to command the militia; and so much had been said of the necessity for making the measure an efficient one, that he was sure the Committee would admit that they would not sacrifice that independence of character which ought to exist, if they took officers so appointed without the property qualification. With regard to the qualification of captains, it was very desirable that they should get young men to serve that office who might not have 200*l.* a year in land, for it would be much easier to procure captains in the counties without that qualification, which everybody knew was not possessed by the great majority of young men, even of those who were highly born and highly connected. He thought, therefore, that there was no harm in dispensing with the qualification in the case of captains.

Sir GEORGE GREY understood that the qualification was dispensed with in all cases under the rank of major. [Mr. Walpole: Yes.] Then, would the right hon. Gentleman consider this case: An ensign being appointed without a qualification might prove himself a first-rate officer, and rise to the successive grades of lieutenant and captain. Was he then, if he continued to serve with distinction, to be precluded from rising to the rank of major, unless, in the meantime, he acquired the landed qualification? Perhaps the right hon. Gentleman would consider whether he might not dispense with that qualification in the case of officers who had passed through the inferior grades.

Mr. WALPOLE said, he had considered that point, but had found great difficulties in it, and he feared that if the principle of progressive promotion were to be admitted beyond the rank of captain, there would be an end to the land qualification. After the best consideration they could give to the subject, the Government had come to the conclusion that it would be better to attach the old land qualification (unless in the exceptional cases he had mentioned) to the ranks of colonel, lieutenant colonel, and major.

Sir GEORGE GREY said, he did not mean that officers who had served in the lower grades should be entitled to promotion to the higher, but merely that they should not be precluded from it on account of their not having a qualification. He thought that the question was well worthy the serious attention of the Goverment.

Colonel ESTCOURT said, that, if the qualification of these officers were removed, some regulations ought to made with respect to promotions.

Colonel SIBTHORP said, he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 3 (Provisions requiring Property Qualification repealed, save as to Majors and higher ranks).

Mr. HUME moved the insertion of words to the effect, that all the Acts now in existence respecting the militia should be repealed, with the view of consolidating the law to be in force for the future regulation or government of the militia. At present it was almost impossible to ascertain with accuracy what Acts or portions of Acts were in force, and what had been repealed. He had gone into the library the other day along with a friend well acquainted with the subject, and he (Mr. Hume) had asked him to tell him what were the laws actually in force with respect to the militia. His friend produced a book which proved to be an index of the public and general statutes, and showed him three folio pages all filled with the titles of Acts relating to the militia; eight of which, it appeared, were Acts amending the first Act mentioned in the Preamble of the present Bill, namely, 42 *Geo.* III., c. 90, and related to England alone. But his friend told him that it would take a lawyer twenty-four hours before he could find out what portions of those Acts were in force, and what were not. Now he (Mr. Hume) maintained that it was desirable in enacting new laws that they should be made as intelligible and simple as possible, so as to be easily understood by the simplest men in the country. He should, therefore, feel it necessary to take the sense of the House upon the question, how far it was the duty of Government, while endeavouring conscientiously to provide for the safety of the country, to take care that the measure they proposed pressed with as little inconvenience on the public as possible, and whether or not their Bill should not be so constructed as to present at least this advantage, that any individual drawn as a militiaman should at once be able to ascertain from it how far his position was affected by it, either as regarded privileges or penalties.

Amendment proposed, in p. 2, lines 19 and 20, to leave out the words "Property Qualifications in the case of persons to be appointed."

The ATTORNEY GENERAL said, he believed that the hon. Member for Montrose (Mr. Hume) was not in the House when a question upon the subject was asked by the right hon. Gentleman the Member for Northampton (Mr. V. Smith). His right hon. Friend the Secretary for the Home Department gave such an answer at the time as seemed to satisfy the right hon. Member for Northampton. He (the Attorney General) was aware that in the Index there were three folio pages of Militia Bills, but he believed that most of those Acts to which the hon. Member for Montrose referred were passed prior to the 42 *Geo.* III., c. 90, and that the others related to Ireland and Scotland. Now if the hon. Gentleman would take up the 42 *Geo.* III., he would find that the first section repealed all the prior Acts relating to the militia, so far as they related to England; and, therefore, in point of fact, the 42 *Geo.* III. was the existing and prevailing law upon the subject at present. With regard to the Acts passed subsequently, there really was little alteration made, and none of the slightest importance as regarded the present question. He was satisfied that if the hon. Gentleman would turn his attention to the particular statute to which he referred, he would find that there was no obligation whatever to revert to any other Act in the present Bill than the 42 *Geo.* III., which was intended by this Bill to be the governing law in respect to the militia. He agreed with the hon. Gentleman, that it was most desirable that the law on the subject should be rendered intelligible to those particularly who were to administer it. He was, however, afraid that many of the class of persons to whom his hon. Friend referred, could not read the law; and if they even could, they would not understand it. It was, however, most desirable that the law should be clear and definite. The hon. Gentleman proposed to repeal all the Militia Acts in regard to England, Ireland, and Scotland. He said that he was desirous of consolidating them, and including them in one Act. Well, inasmuch as the only Act which could apply was the 42 *Geo.* III., all that he could accomplish would be this—that he would take the 42 *Geo.* III., and repeat it clause by clause in the provisions of this Bill. Now, he asked, how could they make the matter more clear and intelligible by taking such a course? Everybody was presumed to know the law. He, however, confessed he did not believe that after this Bill passed into a law, the people would be better acquainted with the state of the law than they were before. It appeared to him, then, that it would be perfectly unnecessary and but a waste of time for them to consider the provisions of the 42 *Geo.* III. He submitted that the course taken by the Government was the better one. He believed there was no want of intelligibility in the wording of the present Bill; and as he considered the Amendment would defeat the object the hon. Gentleman had in view, he hoped the Committee would not agree to it.

Mr. HUME would remind the hon. and learned Gentleman, that the late Sir Robert Peel, when Prime Minister, had in one of his greatest and most important measures consolidated seventy or eighty Acts of Parliament connected with Customs; and he frequently took pains to lay it down as his principle, that the old laws should be repealed, consolidated, or brought into one Act. He did not think that the hon. and learned Gentleman had made out a case for departing from that principle on the present occasion. The course he proposed might no doubt entail some trouble upon the Government; but he hoped it would not be considered offensive if he told them that they were well paid for their trouble.

The ATTORNEY GENERAL said, that in the case referred to by the hon. Member, there were seventy or eighty Acts to be considered, but in the present there was virtually only one.

Viscount PALMERSTON said, he perfectly agreed in principle with the hon. Member for Montrose (Mr. Hume) in thinking it most desirable that the several Acts passed upon this subject should be consolidated into one. It was entirely in accordance with this view that he took the liberty of suggesting, when the Bill was first brought in, that it should consolidate all the previous Acts passed; they were, however, on the occasion referred to in the month of February, when the House had ample time to act upon the suggestion which he threw out. He would remind the hon. Member, after the changes which had taken place, and under the peculiar position of Parliament at the present time, that it was deemed advisable, and it was the general understanding, that nothing would be done during this Session but what was absolutely necessary. Now, although the proposal of the hon. Gentleman was a very good one, he did not think it was absolutely necessary that the measure he suggested should be adopted in the present Session, for it might be adopted with equal effect next year. He hoped, therefore, the hon. Member for Montrose would not suppose that he was altering his opinion on the principle of his Amendment when he said that, as the Session was verging towards the middle of May, and as all parties were anxious that public business should be got through in order that Parliament might be dissolved, he did not think it advisable for the House to go into Committee upon several Acts, containing a great number of clauses, which would necessarily lead to discussions that must prolong the duration of the Session.

Mr. VERNON SMITH said, he regretted that the supporters of this Amendment were not to have the assistance of his noble Friend the Member for Tiverton. The law was on all sides admitted to be unpopular in its working. It was, therefore, the more desirable that every man should know the full amount of the grievance to be experienced. He hoped the House would stand by its own order, and help the hon. Member for Montrose (Mr. Hume) in his endeavour to amend and consolidate the law. It was by no means likely that the people to be enrolled under this Act, could be acquainted with the law on the subject, when the most experienced Members in the House were in ignorance of it. To consolidate the laws would be a matter of great difficulty to a private Member of Parliament, while it would be an easy and simple task for the Government to undertake. It seemed to him that the promoters of the Bill were really anxious to conceal from the public the stringency of the law. Now, for instance, there were clauses in the Militia Laws making it necessary for Quakers to find substitutes if they objected to serve themselves, and, in default of substitutes, rendering their goods liable to seizure. If this Bill were to become law at all, it would, of course, be advisable to make it as efficient, intelligible, and useful as possible. He believed that the Motion of his hon. Friend the Member for Montrose, would partially have that effect, and he would therefore support it. He did not think that the right hon. Gentleman was acting respectfully to the House in the course he was taking.

Mr. RICH said, he objected that, as the Bill stood, if a man deserted—say from the Dorsetshire militia, and was found in Northumberland, he would then have to be handed over to the Colonel of the Northumberland militia, and so from county to county, until he arrived in the county from whose militia he had deserted. Such a provision as that, he granted, might have been very desirable when there were no railways in existence; but he put it to the Committee whether it was not altogether inexpedient and unnecessary in the present state of locomotion in this country? By another Clause it appeared that the 6*l.* bounty was to be paid to the militiaman free of all charges; but he did not understand how that could be when 4*d.* a day was to be deducted. Such provisions as these rendered it necessary, in his opinion, that the measure should be considered and amended by the Government before they pressed it further through the Committee.

Mr. WALPOLE said, he had been charged with disrespect to the House, because he had not proposed in this Bill the consolidation of the Militia Laws. He could assure the Committee, however, that he had not meant to treat the House with any disrespect when he brought in the Bill in its present form. The subject had been very maturely considered, and the Government came to the conclusion that as the present Bill was, in fact, intended to render voluntary enlistment a substitute for compulsory conscription, it would be better to bring forward a new measure instead of simply re-enacting the numerous Clauses of the 42 *Geo.* III., which related more or less to the machinery of the ballot, to which the Government hoped that, under this Bill, it might not be necessary to have recourse. He admitted it was most desirable that the Militia Laws should be consolidated, and he thought that, if this Bill were adopted, it would be advisable that, in another Session of Parliament, a measure should be introduced to consolidate all the laws upon the subject.

Mr. BRIGHT did not see very much the weight of the argument of the right hon. Gentleman. He tried to make out that there was some essential difference between the Act of 1802 and that of 1852, and that there was no voluntary enlistment under the former Act. Now that did not appear to be the case. He had waded through that Act, and had been puzzled with some of the provisions of it; but under that Act there was a system of voluntary enlistment also, and it was only when voluntary enlistment left a deficiency, that a ballot was inflicted upon the parish or district. That appeared to him to be precisely the course under the present Bill: men were to volunteer, not for bounties given by the parish, but for bounties given by the State, and if they had not sufficient, then the ballot was to make up the number. But he would assume that the right hon. Gentleman was right, and that the Act of 1802 was wholly compulsory, and that this was not; but if that were so, how very inconsistent it was that they should incorporate the old Act not by the actual clauses but by reference to the clauses in that Act which the right hon. Gentleman admitted was a much more objectionable Act than the Bill they were now discussing. He would venture to say that he could get two lawyers just about as acute as the hon. and learned Gentleman the Attorney General, who would differ in their opinions about this Bill. There was no hurry whatever to pass this jumble of legislation, when they might discuss it next Session. He believed there had been eight Acts passed since 1802. He could only account for the Government bringing in the Bill in this form on the ground that it was a Government *in extremis,* anxious to pass a Militia Law. The noble Lord the Member for Tiverton had shown great inconsistency in this matter. The noble Lord, he understood, was for consolidation, but he seemed so wedded to the idea of getting through a Militia Bill this Session, that he was willing to sacrifice his consistency to accomplish it. The Act of 1802 was passed in a period wholly different from the present; it was passed at a time when all their punishments, not only in their military but in their civil code, were of a sanguinary character, more than would be now permitted, and when the right of the civil portion of the community would not for one moment have been placed in the balance as compared with the exigencies of the period. Now, he ventured to say that Parliament would not now enact such a Bill as was passed in 1802, and that if it were now laid on the table for the first time it would be utterly impossible to pass it through the House in its present form. He would therefore urge upon the Government that the best course would be to abstain from pressing this Bill. They would have a long recess, for the Government would not be particularly anxious to meet Parliament in the autumn, and the right hon. Gentlemen opposite would be enabled to devote their minds to the consideration of this subject, and to bring forward what might be a permanent and valuable measure next Session. He protested against adopting in 1852 the barbarities included in the Act of 1802, and he would therefore give his vote in favour of the Amendment.

SIR GEORGE GREY said, he thought there would be the greatest possible confusion in ascertaining what the law was if the Bill were adopted in the shape proposed by the Government. It would be almost impossible to discover what clauses of the Act of 1802 were repealed expressly or by implication. He thought the observations of the hon. Gentleman who had last spoken entitled to great weight. He heard with great surprise the statement of the right hon. Gentleman (Mr. Walpole) that the course now pursued by him was recommended by the Government after grave deliberation upon the subject. The Committee would remember that the noble Lord the Member for Tiverton had moved an Amendment to insert the word "consolidate" in the title of the Bill proposed to be brought in by the late Government. The House adopted that Amendment. A change of Government took place. He (Sir G. Grey) would not then refer to the circumstances connected with that event; but he must express his surprise that the right hon. Gentleman should come down to the House, and without giving the House the slightest reason to suppose that the present Government were not of opinion, with the noble Lord the Member for Tiverton, as to the desirableness of consolidating the laws, ask them to agree to a Bill which did not profess to consolidate the Militia Acts, and that course he said was the result of grave deliberation upon the part of the Government. Without giving the slightest reason to justify such a course, the right hon. Gentleman now asked the Committee to sanction it.

The CHANCELLOR OF THE EXCHEQUER: Sir, the observation of the right hon. Gentleman who has just spoken calls for one remark from me. It is certainly very true that the course we have taken with respect to the Militia Bill was the result of deliberation upon this important subject. But, Sir, our deliberation was exercised not merely upon that important subject, but the circumstances under which the question devolved to us. We had before us two modes of consolidation—we could either consolidate according to the plan referred to by the hon. Member for Montrose (Mr. Hume), or we could consolidate by reference. We deliberated as to what mode was the most calculated to obtain the object which we had in view. After deliberation, it did appear to us that we should consolidate so far as this, that one Act of Parliament should contain either expressly or by reference all the law which related to the militia, or that we should follow the system which has been recommended by the hon. Gentleman the Member for Montrose. It was our opinion, that had we adopted the course which the hon. Gentleman the Member for Montrose has recommended, we should not have succeeded in carrying the Militia Bill through this Parliament. We therefore resolved to adopt the course of consolidating the laws with respect to the militia by reference. We felt that, under these circumstances, we should succeed in carrying a Bill which would effect a great deal of the object which the House desired. Now, consolidation by reference is not new to this House. It has been had recourse to before. I do not say that it amounts absolutely to consolidation; but to say that in proposing this Bill in its present shape, we totally disregard the express wish of the House, that we have used the word consolidation merely to avail ourselves of a form, and that we have not attempted a consolidation of the law, is, I think, a statement which the right hon. Gentleman (Sir G. Grey) was not entitled to make.

Lord JOHN RUSSELL: Mr. Bernal, I do not think that the right hon. Gentleman has at all answered the speech of my right hon. Friend (Sir G. Grey). My right hon. Friend did not complain that, when the Cabinet had the question before them, whether they would consolidate or not consolidate, they had determined not to consolidate, but that, having determined not to consolidate, they should bring in a Bill entitled, "A Bill to Consolidate and Amend the Laws relating to the Militia," and had therefore not acted up to the title of that Bill. Now, as to speaking of consolidation by reference, who was to know the meaning of that? It is quite impossible to gather any meaning from it. If you introduce a Bill, and you do not repeal a former Bill, it is obvious that all parts of that former Bill which are not inconsistent with the new Bill remain in force. Whether you insert clauses to that effect or not, is of little importance; but it is quite clear that that is not consolidation. I am not going to give any opinion as to whether the Government have acted wisely with respect to the existing Militia Laws; but this is quite clear, that if they determined, after consultation and deliberation, that it was not advisable to consolidate, they should have discharged the order of the House, and have brought in a new Bill to amend the Militia Laws, stating that that was their proposition, and what were their reasons for not adopting consolidation; and then, for the further convenience of the House, I should have immediately taken the course which Sir Robert Peel took in 1842, and have allowed each Member of the House to have a copy of the Act of 1802, which should be laid before the House. That would not have answered the purpose of consolidation, but it would have fairly explained to the House the object of the Bill.

Mr. WALPOLE said, he had mentioned on a former evening that there were two ways of consolidating. If the seven or eight Acts relating to the militia were Acts containing different provisions, there would be much stronger reason for uniting them in one law than if (which he believed to be the case) the provisions of those Acts were contained, in fact, in the 42 *Geo.* III. except so far as there would, under this Bill, be resort to voluntary enlistment. He believed that no Gentleman, in order to understand this measure, had anything to do but to take up the 42 *Geo.* III. as the basis of the measure, and to take this as the basis of the voluntary enlistment.

Mr. COBDEN rose, and was greeted with loud cries of "Divide!" He said, if hon. Gentlemen wished to go to dinner, let them go. The question that was raised was, why had they not the details of the Acts which they were going to re-enact placed before them? They did not ask for those details merely that they might have an opportunity of reading them. They wished them brought into that House and actually proposed, because they wanted to discuss a portion of them. He believed the right hon. Chancellor of the Exchequer let the secret out when he intimated that if the House went into the details of these Acts, which were virtually expired—["No, no!"]—which had, however, been suspended for years, but were now going to be brought into operation—the House would not get through the business at this period of the Session. Did the right hon. Gentleman think he was going to escape in that way? When they came to Clause 28, they were going to enact that "all the provisions of 42 *Geo.* III., or of any Acts amending the same, now in force and not hereby repealed, should, subject to the provisions of this Act, extend to the Militia." Did they suppose that they could pass that clause without having those Acts before them, and that they were going to save discussion by that? The noble Lord the Member for Tiverton (Viscount Palmerston), who had shown a degree of inconsistency seldom or never seen in that House (where a good deal of it was to be seen), perceived the difficulty of getting through this Bill if the House had the provisions of those Acts before it; but, whatever his hurry to have them revived, they should be discussed, and the more minutely for the attempt to evade discussion. Any lawyer would consolidate these statutes in twenty-four hours. The only object was to escape discussion, but he could assure the right hon. Gentleman that that discussion should not be escaped.

The ATTORNEY GENERAL said, that if the hon. Member for the West Riding (Mr. Cobden) had been good enough to favour the Committee with all the benefit of his understanding upon this subject, and had endeavoured to ascertain what the real state of the law was, he would know that from time to time Acts of Parliament had been passed suspending the ballot sanctioned by the 42 *Geo.* III., the last Act being one which was passed in the 14th and 15th of Her present Majesty's reign. The noble Lord the Member for the City of London (Lord John Russell) had said that the Committee was not aware that this was not a consolidating Bill. Why, long before the second reading of the Bill, which involved the question as to the principle of the Bill, that House had been fully informed of the character and description of the measure by his (the Attorney General's) right hon. Friend the Home Secretary; and he (the Attorney General) apprehended that if it was the intention of the House not to adopt a Bill of this sort, it was the duty of those Members who objected to the course which had been adopted by the Government to have made their complaints upon the second reading of the Bill. Did any body suppose that if this Bill should fail during the present Session, there was any chance whatever of the Government being able to carry another Bill? [An Hon. Member: Propose it next Session.] Was not the question now before the Committee virtually whether the country was to have a Militia Bill or not? The noble Lord the Member for the City of London said, upon a former occasion, that supposing the House rejected the Bill, it was not to be considered that the House was indifferent to the defence of the country, and that it was the duty of the Government to propose another plan, or to resign. Now, did any body in that House believe that any Bill which the Government might bring forward would be palatable to the noble Lord? He believed that if the Government had even proposed the very measure proposed by the noble Lord himself when in office, he would have discovered some reason why, although proper at the time at which he introduced it, it was not proper now. The House had consented to the second reading of this Bill by a very large majority, and he collected from the expressions of the noble Lord after that event, that it was not his intention to offer any opposition to it in Committee, except so far as respected the compulsory clause. It was, however, clear that the noble Lord, by the course which he had now adopted, was in point of fact endeavouring indirectly to defeat this Bill, and of course to prevent the possibility of any Militia Bill this Session. He (the Attorney General) therefore hoped that the Committee would not adopt the Amendment of the hon. Member for Montrose, because, if they did, they would virtually say that they would not have a Militia Bill, and that the country should be left without that defence which a large majority in that House, and out of it, had declared to be necessary.

Sir WILLIAM PAGE WOOD said, he must complain that the supporters of this measure had endeavoured to divert the attention of the Committee from a discussion of its principles and details by constant attacks upon the conduct of the noble Lord the Member for the City of London. That course was begun, and as he thought most unadvisably, by the noble Lord the Member for Tiverton (Viscount Palmerston), who upon the first introduction of this Bill, had called upon the House to throw away all considerations of party. That request was received by a loud cheer from that party which the noble Lord (Viscount Palmerston) had lately led on to victory. But had the noble Lord himself acted in accordance with that suggestion? Why, the noble Lord in the first speech which he delivered in support of this Bill, had scarcely offered an argument in its favour; his address was almost wholly directed to the proof of what he was pleased to term the inconsistency of the noble Lord the Member for the City of London in opposing it. Again, on another occasion, they were favoured with an address from the noble Lord the Member for Tiverton; and he assured the noble Lord, with all sincerity, that he listened to him with anxiety, in the expectation of deriving some important information with respect to the best course to be taken on this important question. But instead of furnishing the House with any such information, the noble Lord diverted them by an amusing speech about some pamphlet or other which had been published by some very absurd and ridiculous person; and the whole gist of that speech of the noble Lord was directed to a personal attack upon the hon. Gentleman the Member for the West Riding (Mr. Cobden). His whole object was to read a single passage from that pamphlet, to the effect, that even if the French should invade our country, our mills would go on working as usual; and he succeeded in obtaining a cheer from hon. Gentlemen on the Ministerial benches. He (Sir W. P. Wood) must say that he regretted exceedingly that the noble Lord, when they were considering seriously what was the best mode of protecting and defending the country against foreign invasion, should conceive that the defence of this country could be best achieved by sowing dissension between two large classes who dwell in this country, and who ought to unite for the common defence. A Lord of the Admiralty, too, had broken a twenty years' silence, not to discuss the Militia Bill, but to show that the noble Lord (Lord John Russell) was inconsistent. There had been a continual course of these attacks, the supposed inconsistency being that he now opposed a measure which in office he rejected, and resigned rather than accept it; and, further, that having, when in office, yielded to the general wish of the House that the Bill should consolidate the existing law, he still said he thought that general wish should be complied with. Well, now, that course was played again to-night. With regard to the consolidation or non-consolidation of these statutes, the right hon. and learned Gentleman the Attorney General had stated that the objection which had been taken by hon. Gentlemen on the Opposition side of the House, on that point, ought to have been made upon the second reading; but a mere technical objection could not have been made at that stage of the Bill. He (Sir W. P. Wood) objected to bringing the Bill forward at this late period of the Session, when no practical result could take place, and when nothing could be done towards the substantial defence of the country. Another reason for delay was, that he thought the several Militia Acts ought to be consolidated. For these reasons he thought it would be better to let the Bill stand over till it could be brought forward in the shape which the House desired. The 28th Section of this Bill—this Consolidation Act— [The ATTORNEY GENERAL said, he must dissent to this designation of the measure.] He was not surprised that the hon. and learned Attorney General could not adopt this phrase, for there was in reality no consolidation. The 28th Clause spoke of divers Acts of Parliament; but independently of that Act passed in 1802, there were several Acts on the Statute-book, which the British Legislature, in 1852, was called upon to re-enact *uno flatu*, without discussing a single clause. He begged to remind the noble Lord the Member for Tiverton, that there were not only various improvements, as he said, in railroads and steam vessels, but that laws had been passed since 1802, very much altering and improving the condition of the soldier, and which laws this Bill totally disregarded.

VISCOUNT PALMERSTON said: My hon. and learned Friend has made such pointed allusion to me, that I trust the Committee will indulge me whilst I utter one or two sentences. My hon. and learned Friend complains that he was not convinced. No; he complains that he did not comprehend any arguments that I used in favour of a militia force. Sir, I did not address myself to my hon. and learned Friend. I never preach to the converted. I took it for granted that my hon. and learned Friend, having supported the Bill brought in by the late Government at the beginning of the Session—that Bill having been brought in by the Government of which he was a Member—I took it for granted, I say, that the hon. and learned Gentleman was fully and deeply impressed with the absolute necessity of the measure—of immediately organising a militia force for the defence of the country, and, therefore, he was wholly out of my view in any arguments which I addressed to the House on that occasion. But when the hon. and learned Gentleman finds fault with me for having taxed him with inconsistency, and those who, like him, having supported a Militia Bill at the beginning of the Session, and who afterwards, when out of office, and another party was in power, opposed a similar measure brought in by others; and when he denies the applicability and sufficiency of my remarks, my only reply is that I refer him to his noble Friend the late Commissioner for the Board of Works (Lord Seymour), and to his right hon. Friend the late First Lord of the Admiralty (Sir F. Baring), the one having by his speech, and the other by his vote, condemned the inconsistency of my hon. and learned Friend; and I have no doubt but that if he has a private conference with either of these two Gentlemen, they will convey to his mind those impressions which it seems my speech failed in conveying.

Sir WILLIAM PAGE WOOD said, he rose to explain. He did not complain of the noble Lord the Member for Tiverton, that he had not convinced him; but that instead of arguing upon the measure, he had confined himself to attacks upon others. As to the charge of inconsistency, the noble Lord had just unconsciously admitted that the two Bills were identical.

Viscount PALMERSTON: No, no; I did not say they were identical. I said they were similar.

Sir WILLIAM PAGE WOOD: Well, then, similar. And yet the noble Lord, who charged him with inconsistency, having admitted that the two Bills were similar, successfully opposed that brought in by his noble Friend the Member for London, and supported that brought in by the present Government. The noble Lord had the satisfaction of defeating the late Minister and those who had been his Colleagues, and in assisting in the victory of his new allies.

Viscount PALMERSTON: Sir, I rise for a moment to explain. I did not say that the two Bills were identical; they are only identical so far that they create a militia force, but not an identical militia. I never said the two Bills were identical. [An Hon. Member: You said, "similar."] But whether the Bills are similar or identical, or not, my conduct is not identical with that of the late Government, for I am not prepared to throw aside a measure which I think necessary, on account of verbal differences.

Mr. TORRENS M'CULLAGH said, he thought that the noble Lord's memory was a little treacherous. The expression was not that the Bills were "identical," but "similar." Those hon. Gentlemen were inconsistent who, having supported by their speeches or votes the measure of the late Government, now supported this very dissimilar Bill. He (Mr. T. M'Cullagh) entirely concurred in the objection which had been taken; and he considered the Bill of the late Government much preferable to the present measure, inasmuch as it dealt even justice to all classes of the community. He considered that they ought, at all events, to make the Bill intelligible for those whom it was intended to affect.

Mr. EWART rose to address the Committee, amidst loud cries of "Divide, divide!"

Mr. HUME rose to order. Such was the disorderly and noisy state of the House, and such the want of inclination shown to maintain the discipline of the House, that he should move that the Chairman do report progress. He would then appeal to Mr. Speaker, and endeavour to have the business conducted as it ought to be.

Mr. EWART rose to second the Motion. He must appeal to Mr. Bernal as the Chairman of the Committee to maintain order in the House. Those hon. Gentlemen who were making these interruptions, were not doing their duty to their constituents. He might apply to each of those hon. Gentlemen the words of the ballad:

> "I see a form thou canst not see,
> Who bids thee not to stay;
> I hear a voice thou canst not hear,
> That hurries thee away?"—

Dinner.

The CHANCELLOR of the EXCHEQUER said, he would request the hon. Member for Montrose (Mr. Hume) not to divide; and he would appeal to the Committee to listen to the hon. Member for Dumfries (Mr. Ewart), from whose speeches they always derived instruction and amusement. He was sure that the good feeling of that hon. Gentleman, and the very sensible remarks that he always made, entitled him to be heard. He trusted the hon. Gentleman would proceed, and when he had finished his speech, they might then divide if they liked.

Mr. HUME said, that if anything were necessary to justify his Motion that the Chairman report progress, in order that he (Mr. Hume) might report to Mr. Speaker what had occurred, it was the right hon. Gentleman himself who had paid so little attention to what was going on.

The CHANCELLOR of the EXCHEQUER must really be allowed to notice the very singular observation of the hon. Gentleman. It was very difficult for anybody to ascertain what degree of attention any hon. Member was paying. He had, for instance, heard the noble Lord lately at the head of the Government complained of for his supposed inattention and charged with being asleep; and yet the noble Lord had risen and proved that he was perfectly conscious of what was going on, by replying to those who had preceded him. Some hon. Gentlemen indulged in abstraction, and when they were supposed to be inattentive, they were, in fact, studying over what was taking place. He never liked to speak of himself, but he really did not think that he was open to the charge.

Mr. HUME said, the right hon. Chancellor of the Exchequer had misinterpreted what had fallen from him. He did not complain of the right hon. Gentleman's inattention, but of the general inattention of the Committee at the moment. He referred to the noise and crowding of hon. Members at the bar, and to the inattention of the officer whose duty it was to prevent the confusion. If one Serjeant at Arms was not enough, let them have two or three. He would not press his Motion for reporting progress.

Mr. EWART said, that this Bill particularly applied to poor men, who would not understand the law unless it were consolidated. He called upon the Government to prove that they required additional defences, and then come to the House for a regular increase of the armed force of the country. He thought the militia not sufficient for purposes of defence, but sufficient to cause great annoyance and complaint throughout the country; and he objected to the favour shown to real over personal property in this measure. He contended, therefore, until the requisite consolidation was effected, they were justified in opposing by every legitimate means the passing of the Bill.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 165; Noes 82: Majority 83.

Mr. MILNER GIBSON moved an Amendment to insert after the word "appointed," in Clause 3, line 20, the words "deputy lieutenant or." His object was, that as they were dealing with the qualifications of various officers appointed under the Militia Act, 42 *Geo.* III., cap. 90, they ought also to deal with the qualification, and consider that class of officers known by the name of deputy lieutenants. Under the provisions of the Bill, the new force to be created was subjected to the jurisdiction of these deputy lieutenants, and invested them with very important judicial powers relating to apprenticeship and other legal matters affecting the civil rights of all the people of this country. It was therefore just as necessary to consider their qualifications, their duties, and the functions they would have to fulfil, as those of any other officers connected with these appointments. If he understood the matter right, these deputy lieutenants would have to decide all appeals or claims of exemption. He spoke doubtfully; for they had been told that it was necessary to proceed in the dark in this matter. They were told that they had various old statutes to deal with; and, no doubt, some gentlemen of great legal acumen would be able to construe them rightly. A deputy lieutenant was a gentleman who, when the militia was not embodied, had not any particular duties to perform. He was frequently seen on great occasions, when, though a civil officer, he appeared in a very splendid military uniform. They ought not to limit the choice of the Lords Lieutenant of counties, as to the persons whom they should appoint deputy lieutenants; they should be empowered to select the best persons they could find to discharge the important judicial duties which would devolve on those officers when this new force was created. Why should their choice be limited to persons having 200*l.* a year in land? Why should not a man having a smaller property, or no property, if otherwise qualified, be eligible? If it were an honour and a distinction to be allowed to wear this uniform in foreign countries, and at Courts and Levees in this country, why should that honour and distinction be confined to gentlemen who had a certain number of acres of land? He proposed, in the first instance, to move that the property qualification for deputy lieutenants should be abolished, and that Lord Lieutenants should be empowered to select those whom they thought best qualified for the discharge of these important duties. If this were not agreed to, he should move a proviso to the effect, "That notwithstanding anything contained in the said recited Act, or any other Act, any person who shall be possessed of personal estate to the amount of —— may be appointed a deputy lieutenant, or an officer in the militia of the rank of major or any higher rank." Already, in those towns and cities that were counties of themselves, personal property was a qualification, as it was for Members of that House. To make the proviso intelligible, it was necessary he should explain the remainder of his Amendment. The Bill proposed to abolish the property qualification for captains, lieutenants, and ensigns, but retained the landed qualification for majors and colonels; so that the most meritorious captain could never become a major unless he purchased the requisite quantity of land to give him the qualification. What could the possession of land have to do with military capacity? They were constantly told that civilians were not to give an opinion on military affairs; but by this Bill, if a man purchased an estate, he was fit to become the colonel of a regiment. Though his hon. Colleague (Mr. Bright) was criticised and sneered at for venturing to give an opinion on military affairs, if he purchased the proper amount of land in any county he would be qualified under this Bill to become major or colonel of a regiment, and one of "our national defences." These anomalies might have done very well for 1802, but they could not now be justified. He would therefore move, in the first instance, that the words "deputy lieutenant, or" should be inserted after the word "appointed."

Sir JOHN TYRELL said, he could not understand these repeated attacks of the Manchester Gentlemen on the landed interest. The right hon. Gentleman (Mr. M. Gibson) was a landed proprietor, but ever since he had been put forward as a great orator of the peace party, he had opposed the landed interest. If hon. Gentlemen would suggest how many bales of cotton they wished to qualify a man as deputy lieutenant, he would be happy to enter into a commercial treaty with them; but he must say he objected to these absurd Motions, which were defeated night after night by large majorities. It was plain hon. Gentlemen made use of that House to make their intentions and professions known to the hustings; and, if they could devise any other plan beside introducing such absurd and useless Motions, the time of the House would be much better occupied.

Mr. WALPOLE said, he could not agree to the first proposition of the right hon. Member (Mr. M. Gibson), the effect of which was to abolish all property qualifications whatever. There was, however, a good deal in what he had said as to personal property forming a qualification, and he (Mr. Walpole) was prepared to assent to this, provided the amount of personal property possessed by the officer was equivalent to the real estate required by the Act. He would suggest that the qualification should be made "real or personal estate of 200*l.* a year."

Mr. MILNER GIBSON understood the right hon. Gentleman to admit the principle of the proviso which he intended to move; but he (Mr. M. Gibson) still objected to the amount of the qualification. A major was required to have 400*l.* and a colonel 1,000*l.* a year. However, if he could not get the Committee to agree in his view of the propriety of abolishing a property qualification, he should be glad to accept the right hon. Gentleman's offer respecting the proviso, and would now withdraw both his Amendment and the clause of which he had given notice in the event of the Amendment not being agreed to.

The ATTORNEY GENERAL said, that it was desirable to understand, in order that there might be no mistake, that while the Government were willing to adopt the principle of the right hon. Gentleman's Amendment, they still intended to propose a different scale of qualifications for the different ranks, and not to have one qualification for all the different ranks.

Viscount PALMERSTON considered it would be very essential to the efficiency of the militia force, that in every regiment one field officer should be an officer who had served in the line; and he apprehended, therefore, that it would be advantageous to include the rank of major in the list of appointments for which the qualification in land or other property was not required. It ought to be considered that the fact of being on half-pay, or of having served in the Army, should be tantamount to a qualification.

Mr. WALPOLE said, this was already

provided for in the Bill, which rendered the having been in the Army a sufficient qualification for any rank.

MR. BRIGHT thought that, whatever the amount of qualification might be, it ought to be indifferent as to whether it consisted of personal or of real property. If you wanted to have officers of prudence, foresight, self-command, valour, and those other qualities which went to make good soldiers, it would be very unadvisable to limit your choice to those possessed of land, unless, indeed, it was considered that that description of property gave its possessors peculiar military qualities. Had he understood the right hon. Gentleman to say, that he entirely gave up the distinction between the two descriptions of property?

MR. WALPOLE had said that he did not see any objections himself, though he should like to ascertain the feeling of the Committee upon the subject, to allow a personal property qualification as well as one dependent on land, providing the qualification arising out of personal estate was equivalent to that provided by the Act of 42 *Geo.* III. It would, perhaps, under the circumstances, be advisable that the clause should stand over.

MR. BRIGHT would suggest that the eldest son of a person possessed of personal property should be placed on the same footing as the eldest son of a landed proprietor with regard to qualification.

MR. PACKE said, the reason why landed property formed the best qualification was, that Gentlemen who owned it were sure to be found when wanted, while the possessor of personal property might be in America when his services were most required.

SIR EDWARD COLEBROOKE thought the question of qualification was one to be left entirely to the discretion of the Lord Lieutenant. It was most desirable that gentlemen of station and property connected with the neighbourhood should take commissions in a regiment, not upon constitutional grounds, but simply because it would be the means of securing better service.

The ATTORNEY GENERAL said, there was a difficulty in the proposition of the hon. Member for Manchester (Mr. Bright). The son of a person who had landed property was well recognised by law, and had a certain *status*, being mentioned in the Act of Parliament as a person well known; whereas, with regard to personal property, the inheritor was not known at all until the death of the possessor. There was, therefore, a clear distinction between the two cases.

MR. WALPOLE thought it would excite jealousy if the House should dispense with the qualification altogether. It might give rise to appointments by the Crown or the Lord Lieutenant, the fitness of which might be a good deal questioned. He wished to state, in order to avoid misunderstanding, that Clause 3 was to stand unaltered, and that a provision was to be drawn up by the Government that the qualification for officers of militia must be similar in amount to the qualification provided by the statute of 42 *Geo.* III., but that it might come out of personal as well as real estate.

SIR CHARLES BURRELL said, the deputy lieutenants were appointed by the Lords Lieutenants. The duties were purely military, for they had to lead the *posse comitatus.* He thought they ought to have a landed qualification, because it was necessary they should know the localities, and the parties whom they might have to call out. The local knowledge of a deputy lieutenant was what was useful and desirable, and he did not therefore approve of the money qualification.

MR. F. SCOTT would remind the Committee, that one object sought to be attained by the property qualification was, that the deputy lieutenants should be persons of *status* in society. Another object on the part of the House of Commons of the day was a desire to fetter the discretion of the Lords Lieutenant. Fifty years ago great jealousy was felt lest the power of the Crown and of the Lords Lieutenant should be exercised without due discretion in making these appointments.

The CHANCELLOR OF THE EXCHEQUER said, he agreed with his hon. Friend (Sir C. Burrell) that it was of great importance that the deputy lieutenants should be locally connected with the county. But the deputy lieutenant at present was not by law necessarily connected with the county. He must have a certain amount of property qualification, but it need not be within the county, A deputy lieutenant who might have his property in the county of Kent might act, by virtue of that qualification, as deputy lieutenant for Devonshire. Now, he did not interfere with the question of local connexion. He left it exactly as he found it, and did not make an exception in the case of deputy lieutenants to the rule laid down as to other officers.

Colonel SIBTHORP said, that one moiety of the property must be within the county.

Mr. BRIGHT said, he considered that if there was anything less justifiable than another in this matter, it was the requiring of a different qualification for different ranks in military service. It should be their object to advance the best and most efficient men to the highest posts; but they prevented this by requiring a money qualification. He hoped, therefore, that the Government would consider the propriety of abolishing these different qualifications, by which the interest and object of the service were sacrificed to those who possessed riches.

The CHANCELLOR of the EXCHEQUER said, he could not concur with the hon. Gentleman that the militia was a purely military service. He was not prepared to agree with him that no qualification should be required in those who held command in this force. He saw a great difference between the army in this country and the army in other countries. And when he saw the respect that was paid by the army in this country to the law and the constitution, and the great reluctance the army exhibited to interfere with the social system of the country, he attributed it to the manner in which the army was officered. He was glad that they had a class of officers in this country very different from the military adventurers in Continental countries, who exercised so pernicious an influence in the public affairs of those countries.

Lord SEYMOUR hoped that the principle was not wholly shut out, that a man who had distinguished himself as an officer in a lower rank, might, without reference to property or pecuniary qualification, be promoted to a higher.

Mr. WALPOLE said, that, whatever was the old law as regarded qualification by real property, the Government would accept personal property of the same amount as such qualification. The Lord Lieutenant would have the power also of appointing a field officer from the army without reference to qualification.

Clause *agreed to;* as were also Clauses 4 to 6 inclusive.

Clause 7 (Number of Militia to be raised):—Proposed, after the words "keep up," in line 13, to insert the words "any number not exceeding eighty thousand."

Mr. CHARTERIS said, he had placed a notice on the paper with regard to the number of men, but, as that notice depended on Clause 21, regulating the days of drill, perhaps the Committee would allow him in the meantime to state the general grounds on which he proposed to make his Motion. The House had agreed that some measure of defence was required, but great diversity of opinion prevailed as to the nature of the measure which they ought to adopt, and various schemes had been brought forward—some being in favour of an addition to the Army, others advocating the measure proposed by the noble Lord the Member for London, while one Gentleman, the chairman of a railway company, recommended the formation of a railway from Salisbury to Exeter. In order to come at a sound conclusion on this subject, they should have a close understanding as to the nature and character of the danger to be apprehended. He need hardly remind the Committee that with respect to a neighbouring country we were not now in the position in which we were at the commencement of the century. Steam had undoubtedly facilitated the concentration of troops and attack, and he believed that in proportion to the facility of attack would be its probability. They ought, therefore, to consider whether the measure would provide a force capable of resisting an invading army of regular troops. The opinion of most military men was, that a militia, drilled only for twenty-one days in the year, was a force utterly incompetent to repel the attack of regular troops. The Bill proposed that 80,000 men should be called out and drilled twenty-one days in each year; but he thought that if they were to limit the number to a smaller amount—say 40,000 or 50,000—and drill them efficiently, a much more available force would be obtained. He therefore suggested that they should call out not more than 40,000 or 50,000 men, drill them for fifty-six days in the first year, and in each of the four succeeding years drill them ten days. By this means he believed they would have a far better force than under the system proposed in the Bill, and that in the course of the five years there would be a saving of one-third of the expense. It was urged as an objection to this proposal, that they could not ask men to leave their occupations for so long a period as fifty-six days, nor compel them to do so by the operation of the ballot. But what he was anxious to see was the compulsory clauses taken out of the Bill; and he hoped, therefore, that his right hon. Friend the Home Secretary would meet his proposal in a conciliatory spirit. He believed that the greater part, if not all, of the unpopularity of this measure was owing to the compulsory clauses, and he trusted his right hon. Friend would make some concessions upon that point. He could assure him that he had no wish to interrupt the progress of the Bill, and that he was solely actuated by a desire to make it more efficient.

Mr. WALPOLE said, the point to which his hon. Friend had adverted was one of great importance, and, as he had referred to the 16th Clause, which provided for the enforcement of the ballot, in connexion with the 7th, now under discussion, it would perhaps be as well that he (Mr. Walpole) should now state what were the intentions of the Government with regard to the former. The Committee would bear in mind that the 7th Clause related entirely to the number of men, and the 16th to what were called the compulsory clauses, namely, to those provisions that empowered them to fall back upon the ballot in case voluntary enlistment should not succeed. With regard to the compulsory clauses, he would repeat what had been often stated before, that their object was to raise the men by voluntary enlistment, if they possibly could do so. He looked upon this as a great experiment; and, looking at it as such, and seeing that they ought not to have recourse to the compulsory clauses if they could possibly avoid it, he thought it would be reasonable to fill up the blank with which the 16th section commenced, by saying that the permissive power given to the Crown to put in force the operation of the ballot should not commence till the 31st of December, 1852. The effect of that would be to give a period of six or eight months, to see how far they could raise the men by voluntary enlistment, and Parliament and the country would then be able to judge of the experiment, and the results to which it might lead. The new Parliament would meet before the machinery of the ballot had been put in operation; the result of the experiment would be actually known, and a full opportunity of stopping that machinery would be given, if it should be found necessary to have recourse to it. He hoped this proposal would be satisfactory to the Committee. The Government were most anxious not to have recourse to the ballot; and he might remind the Committee that unless the Bill stood as it did now, with the insertion which he proposed to make in the 16th Clause, the law would be even more stringent than was now proposed; because, if an emergency should arise between this and the meeting of Parliament, they would have no means of raising a sufficient number of men, except by removing the Suspension Act, and having recourse to the ballot, under the provisions of the 42 *Geo.* III. cap. 90. As to the number of men, the great object of the Bill was to have a force sufficiently large to enable them in case of emergency to bring, without embarrassment, a large body into the field capable of serving with effect, and to do so with as little disturbance as possible to the ordinary business and occupations of life. This he thought could be effectually done by the number of men proposed to be raised by the Bill. He proposed, therefore, to amend the wording of the clause by substituting for the words "There shall be raised, and from time to time kept up," the insertion of the words, "It shall be lawful to raise, and from time to time keep up."

Viscount JOCELYN said, he was certainly surprised at the proposal made by the hon. Gentleman (Mr. Charteris), as only two nights ago he took to task the hon. Member for Montrose (Mr. Hume) for having presumed to take up the position of a great military authority. He must say that on this question he could not give more weight to the opinion of the hon. Member than he did to that of the hon. Member for Montrose. His hon. Friend proposed a reduction from 80,000 militia to 40,000, increasing at the same time the number of the days for drill; but it was not to be expected even in the number of days' drill proposed by the hon. Member that the militiamen could be made equal to the regular troops. For that purpose they must have a longer and severer training; but the important point was for the Government to have a large body of men on whom they could place their hands in case of necessity. He would suggest to the Government whether they might not render the militia force they proposed to raise more efficient, without great expense, in the following manner: Under the Queen's warrant soldiers were allowed to purchase their discharge, graduated according to a certain scale, in reference to the amount of service they had performed. It appeared to him, that if the men who wished to purchase their discharge were allowed to do so at a lower rate on condition that they enrolled themselves in the militia, receiving also the same bounty as the militiamen, the country might then obtain for the purpose of the militia about 1,600 trained soldiers annually, who, combined with the militia, would impart to the body a greater degree of efficiency. He believed the Government would find that the military authorities were not adverse to this suggestion.

MR. MILNER GIBSON said, that he understood the Amendment of the right hon. Gentleman the Home Secretary to be, that the words "it shall be lawful to raise" should be inserted in the clause, instead of the words "there shall be raised," and that he proposed that Amendment, because it was not intended to pass the clause relating to the ballot as it now stood, but that it should come into force at a future period, probably in December, 1852. As the Government proposed to postpone the operation of the ballot until after the meeting of the new Parliament, it was of no use to ask the House to vote for it now. Why enact the ballot if it was not intended to put it in force until then? Why should the House commit itself to a principle without a necessity? They would be in no worse position if it was withdrawn altogether, because if the operation of the ballot was postponed till then, why should not the enactment be postponed as well? They were absolutely to prevent the ballot being made use of, and it was absurd to connect the present Parliament to a principle which would not be acted on until the new Parliament met. He was always satisfied the more this measure was discussed, the more it would be seen that it would be judicious to postpone it entirely for the consideration of a new Parliament. Why not postpone the whole measure, and go to the country on the entire principle of the Bill? It had been proposed to raise 80,000 men, and it was shown that there were 67,000 regular troops in the United Kingdom. Now, the noble Lord the Member for Tiverton (Viscount Palmerston) had informed them that in January, 1814, during the height of the French war, there were in the United Kingdom 80,000 militia and 56,000 regular troops, so that now, in time of peace, it was proposed to have a larger force in the United Kingdom than existed at the hottest period of the war with France. He asked the Committee to pause before doing this. Much was said of the danger of being attacked; but he (Mr. M. Gibson) believed the danger to be an aggression on the part of this country. His theory of the interference of England in European affairs was based on the history of this country; and the debt on which we were now paying interest was contracted through the policy or interference and aggression of England at a time when she had 80,000 militia to enable her to use her regular forces for that purpose. He repeated now what had been once said by the right hon. Baronet the late Home Secretary, that this was an offensive force, and that the renewal of it while negotiations were pending between France and this country would be tantamount to a declaration of war. Any person reading the speeches of the right hon. Secretary at War and some other hon. Members who spoke of the chastity of the women of England being in danger, and of the probability of the French coming over to rob us, would imagine that the policy of England was likely to be aggressive, and would therefore view with alarm the proposed increase of the Army. If ever there was a time when such a question ought not to have been mooted, it was the time when such mighty changes were taking place in France. The policy that had been pursued, he would not say by the press, but by men in Parliament, by Ministers of State, was a policy calculated to awaken the old antipathies between France and England, and to lead to war. If he were asked to prescribe a plan for awakening a bad feeling between France and England, he should suggest the course which had been taken. He should say, let them come down to the House of Commons and make speeches, and, without any facts, let them impute unworthy motives and unworthy intentions to a friendly nation, adding to those imputations a recommendation to the people to arm; that, he should say, would be a course very likely to lead to those feelings which generally precede war. The 80,000 men now proposed were to be raised in the first instance by the bounty system. Now he decidedly objected to lavishing the public funds on such an experiment without any necessity. Even if the ballot were given up, that would not induce him to withdraw his opposition to the plan. If the right hon. Gentleman should succeed in getting his 80,000 men upon paper, he should like to know how he proposed to find them if their services should be required. He called on the Government emphatically to give up this plan during the present Session of Parliament—to withdraw it for more mature consideration. With respect to the subject of steam navigation, the question of disembarkation remained precisely where it was before. He admitted that people could now come to England quicker than they were able to do formerly. But with respect to the disembarkation of troops, that must be carried on by boats. All he could say was, that the power of steam would enable us to proceed more rapidly to any place of disembarkation than we could possibly do by means of sailing vessels. He should certainly take the sense of the Committee against the blank being filled up with 80,000.

VISCOUNT PALMERSTON: Sir, I am not going to discuss the question whose speeches in this House have been most calculated to provoke hostility on the part of foreign countries, and to encourage or invite invasion; that question, Sir, I will, leave to public decision. But the right hon. Gentleman who has just sat down has entirely misquoted that which I stated on a former occasion. He says that I said in 1814—[Mr. M. GIBSON: January, 1814]—in January, 1814, we had 80,000 militia—[Mr. M. GIBSON; 82,000]—and 56,000 regular troops in the United Kingdom, and that, therefore, calculating that we have now 67,000 regular troops, the proposal made to enrol 80,000 militia would place this country in precisely the same situation now in which I stated that it was in 1814. The right hon. Gentleman seems totally ignorant of the distinction between militia embodied and militia enrolled merely for twenty-one days' service in the year. What I stated was, that in 1814 we had, not 80,000, as he said, nor 82,000, as he now corrects me, but 89,000 militia, not enrolled and trained for twenty-one days only, but embodied and paid all the year round, and for home service, identical with troops of the line. It is not now proposed to have 80,000 embodied for the whole year round; and therefore the parallel which the right hon. Gentleman draws totally fails. The cases are entirely different; that which is now proposed is to have 80,000 militia enrolled for twenty-one days, and not 89,000 permanently embodied and kept in pay like regular troops, from the 1st of January to the last day of December. It must be remembered, also, that the year 1814 was a year of war, during which the French army had enough to occupy its attention, and when it was least probable of all that an invasion would be attempted. I think, therefore, if there was any one year which would be less likely than another to furnish good employment for the militia, the year 1814 would be the period selected.

MR. MILNER GIBSON accepted the correction of the noble Lord respecting the 89,000 militia. But the noble Lord had said that in 1814 we had 56,000 regular troops, while now we had 67,000 regular troops; and as 1814 was a year of war, and this was a period of peace, invasion therefore being now even still more improbable than in 1814, the greater force now maintained was altogether unjustifiable. The noble Lord said this was not to be an embodied force of 80,000 men. What was it to be then? A militia on paper? Certainly nothing else; for, as a matter of course, the 6*l.* bounty money being just the passage money, the substitute would be very speedily off to America. ["Oh, oh!"] This was denied; but he would like to know, if this was not true, why they did not allow the men of the regular Army to enjoy themselves on long leaves? The ideas of the Government of having a militia existing only on paper, at hand when wanted, were the most utopian and visionary he had ever heard of. The Government had hoisted the signal of distress in consenting to a partial postponement, and this induced him to persevere in the hopes he entertained that on further opposition the right hon. Gentleman the Home Secretary would give way altogether.

MR. F. SCOTT said, the right hon. Gentleman (Mr. M. Gibson) had great objections to this Bill, as calling men from their peaceful homes to defend their country, and he had told them that Englishmen would receive the bounty money, and, as soon as they had got it leave the country undefended. But he (Mr. F. Scott) wished to know whether any foreigner, reading the speeches delivered in this House, would not—if he believed the representatives of the centres of intelligence, the concentrated intelligence, those who represented themselves to be the very essence of intelligence, and the *beau ideal* of all knowledge in this country—be encouraged, by the speeches made here, and the orations delivered elsewhere, to come and invade this country, because he had been told, in those speeches, that British men would not defend the country they had been paid to defend. He wished to know if foreigners would not have the strongest inducements to invade this country from the very speeches of those hon. Gentlemen themselves. He thought the arguments of those hon. Gentlemen—those who represented themselves as the centres of intelligence—were the most calculated to awaken tyranny, and excite the jealousy of foreign States.

Mr. HUME said, he expected, when the hon. Gentleman (Mr. F. Scott) had risen, he would have grappled with the arguments of his (Mr. Hume's) right hon. Friend (Mr. M. Gibson), but he believed that common sense had left that (the Government) side of the House. Talk of the speeches of hon. Gentlemen on his (Mr. Hume's) side of the House placing them in danger of war! Let hon. Gentlemen opposite look to the letter of the Duke of Wellington, who told them they had no troops to defend them. Why, he (Mr. Hume) thought that the language—he had almost said the cowardly language—of men high in office, tended more to induce foreigners to invade us, than any speeches made on his side of the House. The difference of opinion among hon. Gentlemen opposite as to the number of militia they required was striking. Originally the number proposed was 150,000, then it was reduced to 80,000, another hon. Gentleman proposed 40,000; but he had not heard one argument yet in favour even of the smaller number. He could not agree with some of the hon. Gentlemen near him that the compulsory clauses alone were to be objected to; he thought that by the expense of embodying a militia at all they were adding to the embarrassments of the country, and particularly of the agricultural classes; and he was quite surprised at the course taken by the agricultural Gentlemen on this question. [The hon. Member then read an extract from a speech of Lord John Russell's, in 1822, against military establishments, as not sanctioned by the Constitution.] He would ask who were the parties who were hurrying on the House and the country to this extravagance? It was the county Gentlemen, as would be seen by analysing the votes in the late divisions. He said, therefore, that the protectors of the public purse in this matter were not the county Members, but the borough Members. The present Government could not keep their seats if they did not give relief to the county Gentlemen; they wanted relief, and he wished they might get it.

Mr. MILES thanked the hon. Member (Mr. Hume) for one statement in which he fully concurred—the distress of the agricultural body; and he hoped, when the time came, the hon. Gentleman would be willing to relieve, as much as he could, that body whose distress he now admitted. He (Mr. Miles) was perfectly astonished that men of peace—Gentlemen who professed to wish heartily for a dissolution—who asked the Government to name the very day they would dissolve—should get up now, and upon a simple proposition of the right hon. Gentleman the Secretary of State for the Home Department, deliver themselves of speeches evidently intended for the second reading of the Bill. It had been the practice for hon. Members to address themselves to the particular clause under discussion, and when he thought what that clause was, he was the more astonished at the course hon. Gentlemen opposite were taking; he had not the least objection to discuss the clauses one by one, but let them stick to that, instead of making digressive speeches, *de omnibus rebus et quibusdam aliis*, to continue this debate *de die in diem*.

Mr. RICH said, he thought it a difficult thing to raise so large a force by means of a bounty, because, by that means, they would draw upon that class who furnish the regular troops, and would starve the regular Army of its usual supply of men. This year they had voted 3,000 additional men for the Army. The bounty they gave to the regular soldier was nominally 4*l.*, and the bounty they proposed to give to the militiaman was 6*l.* He was aware that the right hon. Gentlemen proposed to modify it. If danger were really apprehended, which did the Government think would be the most valuable, 15,000 regulars, or 50,000 militia, as it was clear the endeavour to raise the latter number would effectually prevent the enlistment of the former? A system of volunteers would have been far preferable for the creation of that reserve force which he admitted might be useful to set at liberty the regular troops.

Viscount JOCELYN said, in the early part of the evening he had made a suggestion to the Government, and he should be glad to know what the decision of the Government was upon that point?

Mr. WALPOLE said, that the suggestion was a very valuable one, and that he and his Colleagues would give it their best consideration. The effect of the system lately adopted with regard to limited service in the Army would, he apprehended, be this: The first discharge of men enlisted for a limited period would take place in 1857, when this militia would be in full operation, and the Government thought it very probable they would be tempted to join the militia, and they would thus give that militia the benefit of their highly trained and efficient services.

Mr. J. EVANS could understand, if danger of an invasion were imminent, that a Government should say, "We must have 50,000 militiamen to be raised either by voluntary enlistment or by force, but the men we must have." The effect of the Amendment, however, which had that evening been proposed by the right hon. the Secretary of State for the Home Department was, that if they could not get 50,000 men this year by means of voluntary enlistment, they would not have them at all. But had the Government received any assurance from the other side of the water that they would not come and attack us before Christmas, and were there any means by which we were to be defended during the fogs of October and November? The fact was, that if the Government really apprehended any danger, they were most culpable to leave us in this position. If the country was really in danger, let there be an effective force to meet it; but as the compulsory part of the measure was to be put off till next year, why not put off the whole matter till next year?

Mr. WYLD said, he must assert that the danger of invasion was purely imaginary. He could easily understand, however, how the Government were so anxious to press the present measure, because the appointments it involved would give them a large amount of patronage and power.

Colonel THOMPSON said, as it appeared to be agreed that the compulsory clauses were not to come into operation till the beginning of the new year, he saw nothing the Government would lose by leaving them to be settled by the new Parliament. On the other hand, what the Government would gain, would be that they would get rid of the most unpalatable portion of their measure, and in fact quash half of the popular resistance to their Bill. He therefore hoped they would be induced to give up the compulsory clauses.

Mr. COBDEN said, that notwithstanding the clamours of hon. Members at the other end of the House in favour of proceeding to a division upon this clause, he thought he had good ground for moving that the Chairman report progress, after the very important announcement which had been made by the right hon. the Home Secretary with respect to the alteration which he intended to propose in the measure. After they had arrived at the seventh clause, the Committee had been told that the whole purpose and scope of the measure was to be altered by the Government. He maintained that with the proposed alteration this would no longer be the Bill contemplated by the House and the country; that this would not be the measure which was called for by the speech of the right hon. Gentleman the Home Secretary, or by the panic which had been raised out of doors on the subject; and that there was not one of the arguments which was used by the right hon. Gentleman the Home Secretary on introducing the measure which had not become ridiculous after the explanations that had been given, and the alterations that had been proposed. The right hon. Gentleman had introduced the measure with the portentous announcement that the country was not safe unless such a Bill was speedily passed into a law; and now, after all the panic and alarm as to the impending danger had been created, the right hon. Gentleman came forward, while the Committee were in the midst of the clauses, and coolly announced that the Government intended to propose that they should have no power to carry the compulsory provisions of the Act into effect until the end of the year. On this ground alone he thought he was fairly entitled to move that the Chairman report progress, in order that they might have another day to consider the measure in its entirety. And he thought he might do this, not only because the measure would be inefficient for its professed object, but because the expense of the measure would be much heavier than was at first contemplated. The Bill, in fact, now was nothing but a measure for raising a volunteer corps under militia regulations. But what would a volunteer corps of 80,000 men raised by a bounty of 6*l*. each amount to? Not to the estimated expense of 350,000*l*., but of 480,000*l*. This was for the men alone; and if they added the expense of staff officers, uniforms, arms, &c., the sum would be much nearer 750,000*l*., and all for a measure totally unfit for the purpose for which it was designed. He wanted to know what the noble Lord the Member for Tiverton (Viscount Palmerston) was going to do. The noble Lord had hitherto been so complaisant with respect to all the proposals that had come from the other side of the House, that one would almost be tempted to suppose that there had been some kind of previous concert between the noble Lord and the Government. But the noble Lord had told the House that it was quite possible there might be an invasion of 60,000 men from Cherbourg in one night; and he (Mr. Cobden) wanted to know whether, notwithstanding that announcement, the noble Lord was prepared to acquiesce in this proposal, which entirely subverted the plan on which the militia was to be enrolled. He (Mr. Cobden) did not admit that the right hon. Secretary for the Home Department was right in his surmise that he would get these 50,000 men together by voluntary enlistment. He disputed this conclusion entirely, from his knowledge of the different counties. Knowing, as he did, the districts where the largest population existed, and where consequently the largest number of men was required—if they took them according to counties, as Lancashire, Yorkshire, or Middlesex, he was confident the Government would be unable to get a sufficient number of men by voluntary enlistment. And, even if they did get a number, did anybody believe that the vagabond, helpless creatures who were tempted to accept the bounty would be forthcoming when wanted? He could understand why men who were drawn by a compulsory ballot, whose domiciles were known, would consent, although unwillingly, to serve as militiamen; but that men obtained by the offer of a bounty of 6*l*. each, would be found when wanted, he did not believe. Let hon. Members ask any recruiting officer, and he would tell them that in the case of soldiers who did not pocket more than 8*s*. or 10*s*. of bounty, they did not dare to lose sight of the men from the moment they enlisted until they joined the regiment. A more ludicrous waste of money, therefore, or a more ludicrous waste of time, he could not conceive than that which was involved in the passing of the present measure. He therefore hoped the Committee would agree that the Chairman should report progress, and, under the altered circumstances in which they now found themselves, take till to-morrow not only to consider the whole Bill, but give the public out of doors time to consider it.

The CHANCELLOR OF THE EXCHEQUER said, he wished to know whether the hon. Gentleman meant to insist upon the Motion for reporting progress. [Mr. COBDEN replied in the negative.] He (the Chancellor of the Exchequer) should not make any remark upon the description which the hon. Gentleman had given of the people of England, as vagabonds, a description of the multitude almost equivalent to the phrase of "ignorant clodhoppers," which had been used, on more than one occasion, by the hon. Member for Manchester (Mr. Bright). He could not help saying, however, that it was certainly remarkable that hon. Gentlemen who appealed so often to the popular sympathy, and who, while declaring that it was an age hostile to peculiar privileges, claimed for themselves the peculiar privilege of representing the people, never spoke in that House of what were called "the masses" but in terms of contempt and scorn; neither would he speculate upon the cause which the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) had assigned for "the vagabonds" not being likely to give their services for the defence of the country, namely, that the people were rapidly emigrating. With regard to that point, he would not then offer any opinion; but if it were true, the right hon. Gentleman probably knew something of the cause of it. He (the Chancellor of the Exchequer) had merely risen when, as he thought, a Motion was before the House to report progress—a Motion which had been made when the Committee was proceeding with their business in a business-like way, and, as he thought, in a very satisfactory mode—though he supposed it had not been satisfactory to the hon. Member for the West Riding (Mr. Cobden)—he had risen, he said, for the purpose of asking what foundation the hon. Gentleman had for saying that the principle upon which the Bill had been brought in had been changed? The Bill, he maintained, was brought in upon the principle of voluntary enlistment, which, after due consideration—he might say after great deliberation, and after having had the advantage of sources of information, which, without arrogance, were not inferior to those which were enjoyed by the hon. Gentleman—the Government believed would produce a sufficiently numerous and efficient force; and, he begged to add, that the intelligence which they were every day receiving, tended strongly to confirm that conviction. Such was the principle upon which the Bill was brought in, and from that principle the Government had not deviated. With respect to what had been said by his right hon. Friend the Secretary of State as to the postponement of the ballot, he begged to observe, that under ordinary circumstances it would probably take not less than four months to bring the ballot into full operation; and in consideration of that circumstance his right hon. Friend, with great discretion and with the entire sanction of his Colleagues, had proposed that, as it was perfectly understood the next Parliament would meet in the course of the present year, it would be only fair to insert in the Bill such a date for the commencement of the ballot as would secure to the new Parliament the power of interfering to prevent its being brought into operation at all, if it should appear that there was any probability of its being considered oppressive or unpopular in the country. Now, in his opinion, this was an offer which had been wisely and properly made by his right hon. Friend, and he could not see in it the slightest deviation from the principle of the measure, or the policy which had dictated it. He saw in it only, he would not say a concession, but a wise consideration for the feelings of the House and the country, and a desire to expedite the business before them, by not insisting upon a point which was unnecessary to the practical result. For the hon. Gentleman, therefore, to come forward and pretend that a change had been proposed in the principle of the Bill, was one of those gratuitous exaggerations which the hon. Gentleman had so often had felicitous recourse to, and which, at other times and under other circumstances, he had found to be attended with considerable success—though he (the Chancellor of the Exchequer) trusted that on the present occasion the result would not be quite so successful. He repeated that in having recourse to the ballot by the Amendment proposed by his right hon. Friend the Home Secretary, they practically did not deviate from the plan they had first sketched. The ballot would not be brought into operation for three or four months, and in little more than four months a new Parliament would have met. He contended, therefore, that Government had done all in their power to consult the feelings and wishes of the House and the country. The measure of the Government was not what it had been represented to be, namely, an attempt to introduce a disciplined force to encounter the veteran armies of the States of Europe. They never pretended to do anything of the kind; and to draw a comparison between the legions of Algiers, or the armies of the Caucasus, and the proposed militia, was one of those misrepresentations which he thought the Committee ought not to encourage. This was an attempt to habituate the people of this country more to the use of arms than was at present their custom. Circumstances, irresistible circumstances, had for a long time rendered such a policy necessary; and if this Bill should be adopted, though it was not a measure that would produce a disciplined army able to encounter the veteran legions of the world, it would be the first step in a right direction, and would lay the foundation of a constitutional system of national defence.

Mr. COBDEN repelled with indignation the imputation of the right hon. Gentleman, who had charged him with describing the people of this country as vagabonds. What he (Mr. Cobden) had really said, ought to have protected him from such a misrepresentation. He had too much respect for the people of England to suppose that they would accept the proposed bounty to turn soldiers for twenty-one days. He had said that the people of Lancashire, of Yorkshire, and of Middlesex, with whom he was particularly acquainted, were too profitably employed to do so. He was satisfied that mechanics and artisans would not accept the bounty to turn soldiers for twenty-one days; and he repeated, that the men they were likely to get as volunteers in this way would be the vagabondage of the country.

Colonel SIBTHORP said, it was evident that the hon. Member for the West Riding was ready to wheel about and march back again. The hon. Member had retracted his imputation upon the people of England, and he (Colonel Sibthorp) supposed, therefore, that he was ashamed of himself. He only hoped that those who had sent the hon. Gentleman to that House would recollect the terms in which he had described them. Vagabonds! Would the hon. Gentleman venture to say that upon the hustings? No, no. The hon. Member might apply such terms to the people of the West Riding; but he (Colonel Sibthorp) would challenge the hon. Gentleman to go down to the county of Lincoln and use the same language there. So much for the liberal way in which that hon. Member dealt with the people when it was convenient to him. He rose to relieve the mind of the hon. Member for Manchester (Mr. Bright), who seemed to be afraid of the ballot. The hon. Gentleman might go to bed and sleep soundly, for the Act of George III. specially exempted "the people called Quakers" from the penalties for not serving or taking the oaths. Whether the hon. Gentleman were Quaker or not, let him pay for those who would protect his property, and he (Colonel Sibthorp) would venture to say, that whenever danger arose, the hon. Member would be one of the very first to look out for such protection.

Mr. BRIGHT said, that the right hon. Chancellor of the Exchequer seemed to consider that an unnecessary discussion had been raised upon this subject, and he complained of the violence of the speech of the hon. Member for the West Riding (Mr. Cobden). The right hon. Gentleman said that it was quite a mistake to suppose that the Government had made any change of importance in the Bill. He (Mr. Bright) did not quite understand what the right hon. Gentleman meant by "making a change." Last Friday night the right hon. Gentleman delivered a speech, which led every body who sat behind him to think that he had made a great change. [*Cries of* "No, no!"] That was the universal conviction of the country; but the night before last the right hon. Gentleman rose, about two o'clock in the morning, in a most indignant temper, to assure the House that he had not made any change at all. The measure now before the House was one which they had discussed, in one shape or another, for some weeks past; but he maintained that a very important change, not in the principle of the Bill, but in the circumstances under which the Government had defended it, had taken place. When the first Bill on this subject was introduced in February, the noble Lord (Lord John Russell) who brought it forward stated that it was a very important measure, and one which ought to be proceeded with at once. Well, the noble Lord went out of office, and was succeeded by the right hon. Gentleman the Chancellor of the Exchequer and his friends. Several weeks were wasted, and no further steps were taken on this very important subject, so that it did not appear that the Government regarded the measure as one of very great urgency. This was, he thought, a very convenient measure for protracting a dissolution of Parliament. The right hon. Gentleman had made this change: Instead of expressing an absolute certainty that the proposed force would be raised within the year, or that even 10,000 men could be raised, he was now content to leave the whole question of defences, until the end of the year, to the chapter of accidents. He (Mr. Bright) would take the opinion of the military men among the right hon. Gentleman's supporters; and he believed their opinion—and the universal opinion of the military men in that House—was, that the proposed force could not be raised within the time contemplated by the Government by the system of volunteering. The right hon. Home Secretary seemed to think differently; but he presumed that the right hon. Gentleman did not mean to set up his own personal opinion in opposition to that of nearly every military man in the House. He (Mr. Bright) believed all those Gentlemen agreed that even if they did raise the force, so far as giving the bounty and enrolling the men was concerned, the security they had of obtaining the services of that force, when they were required, was of the very faintest description. Now, guiding himself by the opinions of the Gentlemen to whom he had referred, he (Mr. Bright) said that the Government had entirely shifted their ground. The Government had new rejected and abandoned the ground of urgency. When the measure was introduced by the present Government, he (Mr. Bright) suggested that it should be left over, as part of the general policy of the country, for the decision of the constituencies at the general election. The right hon. Chancellor of the Exchequer appeared to be very unwilling to go to the country on the question of the Corn Laws. The Earl of Derby proposed to go to the country on his general policy. This was a question of general policy. The Government now showed they did not consider it a matter of urgency, and that it might therefore very safely be left to discussion at the elections and in the next Parliament. At all events, let the clauses be left out relating to the ballot, as the ballot was not to be taken this year, and that was the point which most nearly touched the feelings of the people, and had excited the greatest dislike in the country. The new Parliament was to meet in October or November, and they could then much better decide on the question of the ballot. The right hon. Chancellor of the Exchequer had made a very jaunty speech; and he said the object was to accustom the people of this country more to the use of arms, and that this was travelling in the right direction. Now, there was no guarantee for freedom or for for peace worth less than the guarantee of a people used to arms; and if there was one thing which more than any other had rivetted the fetters of Europe, it was the military system under which almost all persons were trained to be soldiers, and great armies could be gathered together to be wielded by the will of one man, while the rest of the people had no power of opinion or of physical force to resist those armies. The right hon. Gentleman was an unsafe guide in this matter; and the Government to which he belonged would be remembered in after times as one of the most unfortunate and mischievous we ever possessed, if it signalised its possession of power by accustoming the industrious and peaceful population of this country to arms, and inuring them to the practice of the maintenance of 100,000 or 150,000 persons of the military profession within the United Kingdom. He looked upon what was going on in Europe as that which ought to be a beacon and a warning to this country; and if we had not experience enough in our own history to guide us, surely there was enough in every country of Europe to show that great armies ate up industry, prevented constitutional freedom and reform, and paved the way for rivetting round the necks of a people the fetters of a military despotism.

Mr. WALPOLE said, he was not surprised at the annoyance hon. Gentlemen opposite felt at the announcement he had made. The reason was that it deprived them of one pretext for opposing the Motion, and also of the opportunity of stating in that House what they had been saying in the country about the intentions of the Government, although the Government had declared from the commencement that they intended to rely mainly upon voluntary, and not upon compulsory, enlistment. The Government were now practically convincing the country of this by offering in the clauses and details of the Bill to preclude themselves from doing otherwise than they had intended from the outset—namely, giving an assurance that the ballot was not to be put into operation until they ascertained that voluntary enlistment would fail. How would the matter have stood as originally intended? They would have tried to raise the men by voluntary enlistment, and then, if they failed, they would have had recourse to the old provisions of the statute of the 42 *Geo.* III., and put that Act in operation in the case of invasion, or of imminent danger thereof.

What the Government, therefore, proposed by the announcement he had made that night, was strictly consistent with everything that he had stated from the commencement of the discussions on this subject. The hon. Member for the West Riding (Mr. Cobden) accused him of making a speech alarming the country; as if he had ever advocated this measure on the ground that he apprehended the dangers of an immediate invasion. Now it would be in the recollection of the Committee that he had guarded himself specially, when he introduced the measure, by distincly declaring that the Government did not make this proposition because they thought that there now was a danger of invasion; but rather upon the general principle that it was not right that a country like this should remain in a state of undefence; and that since there was no apprehension of invasion at this moment, this was the very best opportunity for providing for that defence in an effectual manner. They had thought that provident precaution was the best means of preventing attack, and that the present moment was the best opportunity for taking that wise precaution, without giving an offence, and without exciting any suspicion, or offering any provocation, or any alarm in the minds of foreign Powers. He had felt it needful to make these remarks in order to set right the intentions of the Government, which, he must say, had been not a little perverted, and consequently misunderstood.

Mr. BASS said, he had been anxious to discuss the 7th Clause before now; but considerable difficulty had been thrown in the way by the Amendment of the hon. Member for Haddingtonshire (Mr. Charteris), which he regretted had been withdrawn. He (Mr. Bass) had high military authority for believing that a well-drilled force of 20,000 men would be preferable to the proposed militia.

Mr. CHARTERIS said, that he would not have ventured, without consulting military authorities, to have brought before the attention of the Committee the proposition of which he had given notice, and more especially after the lecture he had presumed to give to his friends on his right the other night. Yet the practical men to whom he submitted his Motion strongly approved of it, and agreed in thinking that a force of 40,000 men effectually trained, would be better than 80,000 militiamen. It had not been his intention to press his Motion to a division—he merely brought it forward as a suggestion for the consideration of the Committee; and as the right hon. Member for Manchester (Mr. M. Gibson) had taken up the proposition, he (Mr. Charteris) was willing to withdraw it. But as he believed that 80,000 men was more than would be required, seeing that they were not intended to cope with an enemy in the field, and that the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) had stated the number requisite for garrison duty was from 25,000 to 30,000—on these grounds, if the right hon. Member for Manchester persisted in dividing the Committee against the insertion of the words "80,000 men," he (Mr. Charteris) should give him his support.

Mr. HEYWORTH begged to remind the Committee of a statement made by the right hon. Chancellor of the Exchequer, that there was no immediate danger; and he would also refer to the argument of the hon. and gallant Member for Westminster (Sir De L. Evans) to show that there was full occupation for the French army within its own territories, for of that army 70,000 men were in Algeria. What was said of the French coming to invade this country was a mere pretence; there was no danger; and the object was to raise a large army to keep the people under.

Mr. OSWALD said, he had not hitherto taken part in the discussions on this Bill; and when the noble Lord the Member for Tiverton, instead of turning the other cheek, smote the noble Lord the Member for the City of London under the fifth rib, he (Mr. Oswald) did not vote on the second reading. He thought it would be better to have 15,000 soldiers instead of 80,000 militia. But the House of Commons had said, by a majority of 150, that there should be a militia. He bowed to that decision, and he came down to-night prepared to support Her Majesty's Government, for whom he had neither love nor affection, in carrying this Bill, because the Commons of England had said that such a Bill ought to be carried. He would ask the right hon. Member for Manchester (Mr. M. Gibson) what he meant to fill up the blank with? If he meant to fill it up with nothing, then the Chairman ought not to be sitting in that chair, but Mr. Speaker ought to be sitting a little above the Chairman, for that involved the principle of the Bill, and he (Mr. Oswald) could not vote with the right hon. Gentleman against the principle of the Bill. Every one who went into the lobby with the right hon. Gentleman voted against the Bill.

Mr. MILNER GIBSON said, he proposed that "eighty" should not stand part of the clause. He left it for others to deal with the number as they might see fit.

Mr. J. EVANS thought that, if the effect of the proposal made by the right hon. Member for Manchester was to omit the word "eighty," and not to substitute anything in its place, such a proposal was against the principle of the Bill; and, the principle having been affirmed by that House, however opposed he (Mr, J. Evans) might be to the Bill, he would not vote for the omission of the word.

Mr. TORRENS M'CULLAGH said, he understood the Committee would vote on the question whether the word "eighty" should be inserted in the blank. He thought it was perfectly competent for hon. Members to vote for the Motion of his right hon. Friend (Mr. M. Gibson), for he conceived that he did not change any essential principle of the Bill by his proposition.

Mr. CHARTERIS said, that if the Motion of the right hon. Member for Manchester were carried, the blank would not be filled up by "80,000," but it would be competent for any one to propose that the blank should be filled up with whatever number he might think fit.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 237; Noes, 106: Majority 131.

List of AYES.

Adderley, C. B.
Anson, Visct.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barron, Sir H. W.
Barrow, W. H.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Bonham-Carter, J.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Brocklehurst, J.
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Butler, P. S.
Cabbell, B. B.
Campbell, Sir A. I.
Carew, W. H. P.
Cayley, E. S.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Child, S.
Christopher, rt. hn. R. A.
Christy, S.

Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Collins, T.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Davies, D. A. S.
Denison, E.
Disraeli, rt. hon. B.
Dod, J. W.
Dodd, G.
Drumlanrig, Visct.
Drummond, H. H.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Ebrington, Visct.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forester, rt. hon. Col.
Fox, S. W. L.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gooch, Sir E. S.
Goold, W.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, hon. C. S.
Hatchell, rt. hon. J.
Hayes, Sir E.
Heald, J.
Henley, rt. hon. J. W.
Herbert, H. A.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hollond, R.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Howard, hon. C. W. G.
Howard, Sir R.
Hudson, G.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lascelles, Hon. E.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, G. C.
Long, W.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mahon, The O'Gorman
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Martin, C. W.
Matheson, Col.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Mure, Col.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. J. G.
O'Brien, Sir L.
Oswald, A.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Pennant, hon. Col.
Perfect, R.
Plowden, W. H. C.
Portal, M.
Pusey, P.
Repton, G. W. J.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Seymour, Lord
Sibthorp, Col.
Slaney, R. A.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stafford, A.
Stanley, E.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Townley, R. G.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
Westhead, J. P. B.
Whiteside, J.
Wigram, L. T.
Williams, T. P.
Worcester, Marq. of
Wrightson, W. B.
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Mackenzie, W. F.
Bateson, T.

List of the NOES.

Adair, R. A. S.
Alcock, T.
Anstey, T. C.
Armstrong, R. B.
Baines, rt. hon. M. T.
Bass, M. T.
Bell, J.
Berkeley, C. L. G.
Bright, J.
Brockman, E. D.
Brown, W.
Bunbury, E. H.
Carter, S.
Cavendish, hon. G. H.
Childers, J. W.
Clay, J.
Clay, Sir W.
Cobden, R.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Craig, Sir W. G.
Crowder, R. B.
Dashwood, Sir G. H.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglass, Sir C. E.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Ellis, J.
Evans, J.
Evelyn, W. J.
Ferguson, Col.
Forster, M.
Fox, W. J.
Glyn, G. C.
Greene, J.
Grenfell, C. P.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hardcastle, J. A.
Hastie, A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Laslett, W.
Locke, J.
M'Cullagh, W. T.
Marshall, J. G.
Martin, J.
Melgund, Visct.
Milligan, R.
Mitchell, T. A.
Morris, D.
Mowatt, F.
O'Connell, M. J.
Pechell, Sir G. B.
Peel, F.
Pilkington, J.
Pinney, W.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Salwey, Col.
Scobell, Capt.
Shafto, R. D.
Smith, J. B.
Somerville, rt. hon. Sir W.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Adm.
Tancred, H. W.
Thompson, Col.

Thompson, G.
Thornely, T.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walmsley, Sir J.
Watkins, Col. L.
Willcox, B. M.
Williams, W.
Wilson, M.
Wyld, J.

TELLERS.
Charteris, F. W.
Gibson, T. M.

The blank was then filled up with the words "eighty thousand."

MR. WALPOLE moved that 50,000 men be raised for the year 1852.

MR. BRIGHT had an Amendment to propose, to exempt these militiamen from the punishment of the lash; but at that hour of the morning, a quarter to one o'clock, it was scarcely to be expected that he should now go on with it. He would move that the Chairman do report progress.

House resumed; Committee report progress.

PROPERTY TAX BILL.

Order for Second Reading read.

COLONEL SIBTHORP regretted that this measure should have been renewed, and hoped that the Government would give some assurance that it would not be continued beyond the year for which it was now asked. He almost looked upon it as a breach of faith on the part of the Government that they should have again exposed the country to the infliction of a tax of this kind.

MR. HEYWORTH said, he believed that the feeling of the people was in favour of direct taxation. He admitted that the Income Tax, as now imposed, was by no means perfect, and he hoped the basis would be extended to include all incomes.

COLONEL THOMPSON said, he hoped and believed there was as little probability of the cessation of the Income Tax as of the restoration of the Corn Laws. The struggle was between the holders of property and the working classes, who paid at an enormously increased rate on articles of indirect taxation. An effort was made to engage the holders of temporary incomes on a false track, with the effect only of increasing the perplexities of the question. If the holders of temporary incomes knew what hurt them, they would be aware that the injustice consisted in taxing them for a limited period, as for instance three years, and taking no more from the holder of perpetual property, which, instead of three, was worth thirty years' purchase in the market. As a holder of life property himself, he had his eyes open to the injustice done him by any temporary income tax. If the tax was only perpetual as it ought to be, all would pay in due proportion; and he was not to be thrown off the scent by a fallacious cry. He felt no doubt that the Chancellor of the Exchequer, acting upon the instincts of one in his position, lived under an entire conviction that the Income Tax would be perpetual, and all that was now objected to was the effort made to misdirect public opinion on the subject. The working classes were fast coming to the knowledge that the question of the Income Tax was a struggle between them and the richer classes, to make the rich pay their just share of the whole taxation, and not throw an uncompensated portion of the indirect taxation on the poor.

SIR HENRY WILLOUGHBY considered the Income Tax essentially unequal, and he only voted for it as it now stood on the ground that if they did not continue it for another year there would be a deficiency created in the public finances. It was, in fact, "Hobson's choice;" for, under existing circumstances, there was nothing left for them, for the present, but the temporary renewal of that tax, inquisitorial and grossly unequal as it must be admitted to be. He knew many persons who by means of its operation were paying 12 or 14 per cent on their income. He believed that abroad some misconception existed upon the Chancellor of the Exchequer's speech on the Budget, an opinion prevailing that the right hon. Gentleman was opposed to direct taxation and favourable to Customs duties as a means of raising revenue. He wished to call the attention of the Government to the lax way in which the documents connected with the Income Tax were preserved. In one town the returns had been sold to grocers, and the accounts of the chief tradesmen were sold with the articles vended in those shops. If the tax were preserved, some means should be taken to preserve the returns. If a landlord let a farm upon a lease at, say, 300*l.* a year, and made a reduction of 10 per cent to the tenant, he was bound to pay the Income Tax on the 300*l.* a year, and not upon the 270*l.* This was an injustice upon those landlords who, to meet the pressure of the times, had made reductions in their rents. He thought that where a *bonâ fide* reduction had been made, the Income Tax ought to be paid upon the income actually received, and not upon the nominal income.

The CHANCELLOR OF THE EXCHEQUER: Sir, I hope my hon. and gallant

Friend the Member for Lincoln (Colonel Sibthorp) does not accuse the present Government of any breach of faith in having proposed the renewal, for a limited period, of the Income and Property Tax. I must say, that in the position in which we found ourselves on entering office, I know not what other course we could have pursued than that which we have thought it necessary to adopt; and I do not believe that Gentlemen on either side of this House, or that the country generally, will be disposed, after an impartial consideration of the circumstances of the case, to condemn us for having taken that which seemed to us, indeed, an inevitable course. The hon. Baronet the Member for Evesham (Sir H. Willoughby), however, has touched on another point, which at this hour I would not have ventured to obtrude on the attention of the House, but on which it would not, perhaps, after the observation of the hon. Gentleman, become me on this occasion to remain altogether silent. When I brought forward the financial statement a few nights ago, I expressed no opinions, but scrupulously confined myself to the mere presentation to the House of a full and complete view of our financial position, because it was necessary for me, on that occasion, to terminate my remarks by making a proposition of which, abstractedly, as a measure of finance, I did not approve; and I wished the country to know its actual financial position, and the proposition I had to make, and at the same time to urge the necessity of our taking advantage of the interval between the present financial statement and that which either the present or any other Government might have to submit next year, for arriving at some conclusion as to the principles on which the revenue of this country was, for the future, to be raised. With these views I guarded myself against expressing any opinion, either for or against the policy that had been pursued, as to the reduction or repeal of Customs duties. I felt it to be my duty to place before the House, without any colouring, and in a spirit which evinced, as I hope, an anxious desire to do so impartially, our exact position, and to show the consequences of the recent reductions of Customs duties on the finances of the country. My observations were limited strictly to the influence and effect of those measures on our finances. I avoided all commercial controversy, and all discussion as to whether the benefit of the consumer had been obtained by injury to the producer—I avoided all topics of that nature, because I thought them unnecessary and not germane to the matter—thinking it simply my duty to place before the House a clear and complete view of our financial position, and not believing that duty called upon me, on that occasion, to propose any change with regard to the mode of raising the revenue of the country. With these feelings, and wishing to fulfil my duty in accordance with my conception of what that duty was, I made no reference to those classes of this country who are, to my mind, greatly suffering, and to whose sufferings it is the duty of the Legislature to apply some remedy. I certainly placed before the House a most important fact—that it would be necessary, in estimating the revenue, to make great allowances for reductions of rental and farming profits; and I should have thought, that, under the circumstances of the Government and of the country, as regarded a question of that sort, it would have been most indiscreet in me if, on that occasion, I had intruded any views of the Government as to the remedial legislation which such a state of affairs may require. After it has been said—after it has been publicly announced, and accepted by the country, that on an occasion not very distant, but now, indeed, imminent, the opinion of the constituencies is to be taken on that subject—and on that subject especially—to which I have just adverted—it would have been improper for me to trouble the House with any details of any scheme or measures for the alleviation of the sufferings of the agricultural classes. In taking the course I did on that occasion, I think I acted in accordance with the feeling of the majority of this House and of the country; but I have no hesitation in saying, after the remarks of the hon. Baronet the Member for Evesham, that, when Her Majesty has recurred to the sense of Her people, Her Majesty's Government are prepared in due season to introduce those measures which they believe are required—those remedial measures they believe are required—by justice and by regard to the permanent interests of the country. I think there can be no misunderstanding in this House, or in the country, on that subject. We are prepared to fulfil our duty, as far as lies in our power. But, strong as may be our determination, and firm as may be our convictions, I still believe, that, on the occasion on which I made to this House the

The Chancellor of the Exchequer

financial statement for the year, I should have done what was most uncalled-for if I had intruded any expression of the policy we may feel it our duty to pursue on the attention of the House of Commons.

Mr. CHISHOLM ANSTEY said, he saw nothing in the statement now made by the right hon. Gentleman to qualify what he was understood to have said in making his financial statement, that a return to protection, or the reimposition of Customs or Excise duties, was impossible.

Mr. WYLD hoped the result of the inquiry by the Committee on the Income Tax would be the readjustment of that impost on a more equitable basis,

Mr. PACKE begged to express his thanks to the right hon. Chancellor of the Exchequer for the statement he had made with respect to the most suffering class in the country. The statement could not fail to give satisfaction to the agriculturists.

Sir GEORGE GREY said, he was not surprised at the alarm which seemed to have taken possession of hon. Gentlemen opposite in consequence of the able and satisfactory statement delivered by the right hon. Chancellor of the Exchequer in introducing his Budget. It was evident, from the scene which had been enacted that night, that hon. Gentlemen were anxious to extort from the right hon. Gentleman some declaration on which they might found a distant hope that the Members of the Government, in their Ministerial career, would act on the opinions which they maintained on the other side of the House when they led what used to be called the Protectionist party. The right hon. Gentleman had now declared, in language similar to that employed by him on former occasions, that the Government would first appeal to the country, and then bring forward the measures which they deemed necessary. But he had given them no distinct idea as to what those measures were likely to be; nor did he (Sir G. Grey) think it was very material at the present time to know. He did not think it at all necessary that they should cross-examine the right hon. Gentleman in the way some of his supporters had done, in order to get at the opinions of the Government. The right hon. Gentleman told them that he had not on Friday evening said anything whatever with respect to our commercial policy. He had been equally discreet to-night. But it was not, after all, a matter of very great consequence. They relied not on the opinions of the Government, but on the facts which the right hon. Gentleman had brought forward. They were well aware of those facts before. They had been stated over and over again in speeches in that House, and in some well-written pamphlets out of doors. The accuracy of those statements had been impugned; but now they had one of the Ministers of the Crown coming forward and declaring that those facts were irrefragable, and illustrating them with a power and eloquence seldom equalled in that House. Those facts had been appreciated by the country; and, go to the country when they might, they would find, if on the hustings they proposed to repeal or remodel the policy which of late years had been adopted, that the people would respond with one voice that they had derived important benefits from that new policy, and that they were not disposed to give it up.

Mr. MILES begged to ask if benefit had been conferred on the consumers by this new policy, what benefit had accrued to the producers? Look at the state of the agricultural classes, and at the state of the money market. Did that show that trade was prosperous? Though a large trade had been carried on, it had been with very small profits. He had the greatest confidence in the right hon. Gentleman the Chancellor of the Exchequer. The right hon. Gentleman had never, since 1846, swerved from the principles he advocated; and they might depend upon it that the principles he supported in opposition, he would, as a Minister, honestly act upon.

Bill read 2°.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 7, 1851.

Minutes.] Public Bills.—1ª Stock in Trade.
2ª Law of Evidence (Scotland); Disabilities Repeal.
3ª Linen, &c. Manufactures (Ireland); Poor Relief Act Continuance; Loan Societies.

LAW OF EVIDENCE (SCOTLAND) BILL.

The Earl of MINTO moved that the Bill be now read 2ª.

Lord LYNDHURST said, he should be glad to give the Motion his best support, although he could have wished that the Bill had gone further in the attainment of its object. The principle of allowing parties to the suit, and witnesses having an interest in the issue, to be examined, as far as it had been hitherto adopted in England, had worked exceedingly well in practice; and he could not see why that which answered so well in the courts of law in England, should not answer equally well in the courts of law in Scotland. The framers of the measure had been influenced by an excessive caution and timidity, where he thought they might have safely taken a bolder and firmer step in what he believed to be the right direction; but when the Bill got into Committee he hoped to be able to improve it considerably by the Amendment of which he had given notice for the purpose of extending its operation.

LORD CAMPBELL had also great pleasure in supporting the Bill, which was certainly a great improvement in the law of Evidence in Scotland. It was surprising to him how that enlightened country should have continued till the present day the practice and procedure of barbarous times, so calculated as they were to impede and frustrate the course of justice. The remedy which this measure intended to introduce into Scotland, had been already tried, and with the most successful results, in England, which he was sure the people of Scotland could not regard as an experiment *in corpore vili*. He sincerely hoped that this improvement in the law of Scotland would be no longer delayed. He concurred with the noble and learned Lord (Lord Lyndhurst) in regretting that this Bill did not go far enough, and he hoped that noble and learned Lord would persevere with his Amendment to extend its operations.

The EARL of MINTO was understood to say that he would offer no objection to the noble and learned Lord's Amendment.

On Question, *Resolved* in the *Affirmative;* Bill read 2ª.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 7, 1852.

MINUTES.] PUBLIC BILLS.—1° County Elections Polls; Sunk Island Roads.
3° Highway Rates; Ecclesiastical Jurisdiction.

THE BRITISH MUSEUM READING-ROOM.

MR. HEYWOOD begged to ask the hon. Member for the University of Oxford (Sir R. H. Inglis), if the trustees of the British Museum had considered the overcrowded, ill-ventilated, half-lighted state of the reading-room in that institution; and if the formation of a glass roof over the central court of the Museum would not afford increased accommodation?

SIR ROBERT H. INGLIS begged to state, with respect to the first question, that the trustees of the British Museum had had under their consideration repeatedly the condition of the reading-room, which was such as to require and justify their earnest attention; and that not less than three times, he believed, they had called the attention of Her Majesty's Government to the necessity of providing further accommodation. They had submitted a plan and estimate to the Government, and it must depend on the right hon. Gentleman the Chancellor of the Exchequer whether or not adequate accommodation should be given, not merely to the persons who required it, but to the books themselves, which were annually accumulating. Three years would not pass over their heads without their finding the absolute impossibility of placing in the rooms appropriated to them the volumes of their annually increasing collection. With respect to the second question, the hon. Member had not stated whether the increased accommodation was to be for men, women, and children, or for plants, birds, beasts, or any other description of articles.

THE INCOME-TAX BILL.

On the Motion that the House at its rising should adjourn to Monday,

MR. HUME said, that although he did not leave the House on the previous evening until after half-past twelve o'clock, he saw to his great surprise by the Votes that after that late hour the Income Tax Bill was read a second time. Had he had the least idea that a Bill of so much consequence would have been brought on at that period of the night, although he had then been twelve hours within the walls of the House, he would have staid at any hazard to himself to have prevented it passing so important a stage. When Sir Robert Peel introduced the Income Tax in 1842, it would be recollected that he did not bring it forward merely for the sake of revenue, but in order to obtain a margin to effect salutary reforms in our fiscal system, including the removal of all prohibitions against the import of particular articles of consumption, and the reduction of taxation in many important points. His policy, as then stated to the House, was completely successful, for while he relieved the consumer by the reduction of the duties upon many articles of the first necessity, the increased consumption had actually augmented the revenue. Now, the Income Tax had been continued since that period to enable successive Governments to carry out these free-trade principles; and he must object, therefore, to any further prolongation to the tax, unless Her Majesty's Government were prepared to remove the restrictions which still existed, and which obstructed the import of a number of articles. It appeared by a Return which he obtained last Session, that protective duties realising between 300,000*l.* and 400,000*l.* were still imposed on manufactured articles, and similar duties to the amount of 800,000*l.* upon productions of the soil. By another Return which he had obtained in the present Session it appeared that the import of thirty-six principal manufactured articles was fettered by protective duties, ranging from 10 to 25 per cent upon their value; and even in the case of some kinds of glass amounting to as much as 65 per cent. These thirty-six articles produced a revenue of 324,000*l.*, while there was another list of no fewer than 212 articles producing 109,760*l.* Now, he thought that if we had free trade at all, we should have free trade in everything; and that therefore this measure should not be allowed to proceed further, unless the Government would give a pledge of their intention to advance in that policy for the sake of which this tax was first granted, and to carry out those further abolitions and reductions of protective duties, which would be of the greatest advantage to the whole community, and especially to the agriculturists, who would thus be placed on a footing of justice with respect to the other interests in the country. He thought the House should not continue the tax in a form which had been proved before the Committee upstairs to press so unequally, and consequently so unjustly, upon the people. He regretted that it was proposed by another measure before the House still further to increase that military expenditure, through the excessive amount of which an income tax was requisite at all.

Mr. NEWDEGATE said, that the hon. Member for Montrose had blamed the Government for having introduced a Bill which the right hon. Chancellor of the Exchequer had conclusively proved to be necessary in order to prevent a deficiency. But the hon. Gentleman had founded his resistance to the measure upon another ground—namely, that the Income Tax was reimposed in 1845 for the purpose of enabling the then Government to alter and adjust the taxation of the country. He (Mr. Newdegate) would not say whether that policy had been advantageous or not; but this he would say, that the House had an engagement from the present Government that, in a future Parliament, they would also undertake the readjustment of taxation (which the hon. Member for Montrose himself admitted to be necessary), in order to do justice to the agricultural classes. He could not, therefore, understand how the hon. Member could think it inconsistent in the Government to continue the Income Tax, the more especially as the two Governments who had preceded them had both deemed its continuance necessary for the readjustment of taxation. So far from the agricultural body considering this course inconsistent on the part of the present Government, they regarded it as an earnest that their sufferings would be considered in a future Parliament, and as a guarantee that the Government would consider the claim of the agricultural as well as the other classes in the country. He begged to express to the Government his deep satisfaction at the steps they were taking to effect that readjustment of taxation, which it was admitted on all sides was requisite, and which had almost been ratified by a majority of the House last year. The discussion of questions like this, however, incidentally and without notice, was very inconvenient. Should the question be legitimately raised, he (Mr. Newdegate) should be prepared to go into it, and support those measures which he deemed essential for the relief of the agricultural interest as opposed to those which would have the support of the hon. Member for Montrose.

Mr. J. L. RICARDO said, he thought the Government were very apt to hurry through measures of great importance, and he fully agreed with his hon. Friend the Member for Montrose (Mr. Hume) in thinking that the Income Tax Bill ought not to have been brought forward at Two o'clock that morning. He thought it the more important that that measure should not have been brought forward at that unseasonable hour, after the remarkable declaration which the right hon. Chancellor of the Exchequer made a few nights ago—a declaration altogether at variance with what he said in bringing forward his Budget, and which had created an idea in the minds of the public that it was the intention of Government, by some mysterious means or other, to shift some of the burdens of the landowners to the shoulders of the manufacturers. It was very possible that the right hon. Gentleman might not have any such intention; but he thought the House had a right to ask him when or how it was that he intended to carry it out.

Mr. WAKLEY said, he also concurred with the hon. Member for Montrose in thinking that it was most unfair and highly improper to bring forward such a Bill as that on the property and income tax at two o'clock in the morning. He (Mr. Wakley) was in the House till one o'clock, and had not had the least idea that any important measure would be brought forward after that hour. To-night, again, there were a great number of Orders on the Paper; and it appeared as if the Government had resolved to act as if legislation were a kind of lottery, and to take their chance, night after night, of finding a subservient House. He thought that nothing could be more unworthy of an English Administration, be their politics what they might, than to smuggle Bills of great national importance through the Legislature at a period of the night when they knew that they were surrounded only by their own hangers-on. It was a most discreditable practice: nothing could be more reprehensible than to introduce important Bills surreptitiously, and at hours when full and fair discussion was out of the question. He would do the late Government the justice to say they had never done anything of the kind. [*Cries of* "Oh!"] No; they never had. But the worst feature in the whole affair was the speech delivered by the right hon. Gentleman the Chancellor of the Exchequer—a speech which was at right angles with every statement he had made in that House when introducing the Budget. The right hon. Gentleman's speech on the Budget might have lured the public into the pleasing conviction that the Government were satisfied with the commercial legislation of the last few years, and did not intend to disturb it; but the speech of Thursday night conducted them to an exactly opposite conclusion. He would take leave to inform the right hon. Gentleman, that the sentiments to which he gave utterance in that House in the debate on the Income Tax had awakened a feeling of profound astonishment and indignation out of doors. The majority of that House had supported the Income Tax, and had afforded unprecedented facilities to the Government for the transaction of public affairs, on the assumption that there was to be no change in the commercial policy of the country; and yet the other evening the right hon. Gentleman had the intrepidity to stand up and declare in his place that he was prepared to carry out in the Government the same principles that he had always advocated when in Opposition. Well, there was one principle which the right hon. Gentleman had often advocated, and which was of such paramount importance that all his other principles sank into the shade, almost into oblivion, in comparison—and that was the principle of Protection; that luckless phrase was now scarcely uttered on the other side of the House. He should not be surprised, indeed, if hon. Members opposite were to attempt to knock the word out of all the dictionaries and vocabularies in the language. The Government were playing fast and loose with the question; but they greatly deceived themselves if they supposed that they could succeed for any length of time in deluding the country. The hon. Member for North Warwickshire (Mr. Newdegate) was deeply grateful to the Government for the steps they were taking with a view to the readjustment of taxation. Would the hon. Member have the kindness to state what those steps were? For the life of him he (Mr. Wakley) could not perceive them. It was difficult to imagine anything more duplicious, or more contradictory, than the conduct of the Government from the day they first attained office to the present hour. What had become of protection? What had they done with it? Were these the same men who assembled not very long since at the Crown and Anchor in the Strand, under the presidency of a noble Duke, when speeches were delivered in which allusion was made to the probability of the yeomanry forgetting their allegiance to the Queen in the event of protection being withdrawn? Were these the men who made speeches which, for inflammatory doctrine and for rebellious and revolutionary language, exceeded anything that he remembered to have ever read or listened to in the whole course of his political experience? Anything more seditious—anything more revolutionary—he had never read or heard, and he did not hesitate to assert, that had such language been uttered by an unfortunate Chartist, the orator would have been transported, or, at all events, imprisoned. Talk, indeed, of the steps taken by the Government for the readjustment of taxation! What were they? Did the Government intend, or did they not, to impose a tax again on the food of the people? Let them be candid. The right hon. the Chancellor of the Exchequer owed it to his own reputation, and, still more, to the well-being of the country, to stand up in his place and declare at once, in plain and bold language, becoming his genius and intelligence, what it was he meant to do. Of what avail was it to hang out a different banner every day—of what avail was it to make a free-trade speech one night, and a protection speech the next? Did they fancy that the English people had so little penetration that they would suffer themselves to be juggled and trifled with in that manner? Did they (the Government) fancy that they could send out a host of Conservative free-trade candidates at the next election, and that, having obtained a majority by that trick, they would find it possible to revert to protection in the next Parliament? Let them reveal their intentions at once like honest men, and let there be a fair stand-up fight between Protectionist and Free-trader on every hustings in England at the next election. At present the policy of the Government was matter of the wildest speculation—their intentions were shrouded in the profoundest mystery—the light that was let in on them one evening was obscured the next, and the people knew nothing of their true position. He appealed to the Government in the name of common sense and common honesty to explain their real aim, and their actual object. If they meant to lay a tax on the food of the people, let them say so; if they had such an intention, and, nevertheless, abstained from avowing it, he did not hesitate to say that they were acting unfairly, deceptively, dishonestly. Surely they were not so short-sighted or so infatuated as to suppose that they were testifying their devotion to the cause of "the ruined agriculturists," by passing the odious and iniquitous Militia Bill, the only step they appear to be intent upon taking; a measure which would be regarded as an insult b France and other Continental nations; and which would be productive of the greatest possible annoyance and vexation to our own people, and to no class of them more signally so than to those who were supposed to represent the agricultural interests. After thirty-seven years of uninterrupted peace, this preposterous Bill was introduced at a period of the profoundest tranquillity, and under circumstances which could only draw down upon us the ridicule and the hatred of surrounding countries. To the French people, in particular, it was a deliberate insult; and, so far as our own population was concerned, it was about the most wanton, the most useless, and the most absurd measure of which there was record in the annals of our Parliamentary history. In conclusion, he exhorted the Government to make an immediate declaration of their policy with respect to free trade.

Mr. BAILLIE COCHRANE said, he was of opinion that the hon. Member for Finsbury (Mr. Wakley) and those with whom he was associated, were pursuing a very inconsistent course in urging the Government to press on the public business with all possible expedition, at the same time that they were continually throwing obstacles in their way. He could easily understand the bitterness of the hon. Member, for those who complained without cause always complained without temper. The hon. Gentleman opposite had given the noble Lord the Member for London (Lord J. Russell) a horse to hold, and the noble Lord had mounted it and ridden away from them. He hoped the House would perceive the propriety of putting an end to this unprofitable discussion, and proceed with the Militia Bill without delay.

Mr. BRIGHT said, he was one of those who thought that as much public good resulted in that House from discussion as from legislation. Discussions succeeded occasionally in dispelling delusions; and one would perhaps be dispelled by the present discussion. As he thought, the Government was responsible to a serious extent for the maintenance of a deception calculated to inflict national injury. There were, indeed, two deceptions at present being practised by the party opposite. One hon. Gentleman the Member for North Warwickshire (Mr. Spooner) was answerable for one. The hon. Gentleman was going to move for a Committee to inquire into the management of Maynooth College. He was supported by a party anxious to repeal the Maynooth grant. Now, if the hon. Member's Committee, being appointed, should ascertain that the college was conducted in the manner assumed when the grant was increased — that was to say, in a manner calculated to advance the Roman Catholic religion—then the hon. Member would, of course, have to allow that he had no case whatever for the repeal of the grant. If, however, the hon. Member should discover that the Protestant and not the Roman Catholic religion was the creed taught at Maynooth, then, obviously, the hon. Member would have a good case for asking Parliament to withdraw the grant. The hon. Member might be the dupe, and not the deceiver; but, at any rate, he was responsible before the country for an obvious deception. The right hon. Gentleman the Chancellor of the Exchequer had pursued a similar course, and was the author of another deception. It had served his purpose remarkably well; and it was perhaps doubtful whether he could get any more out of it, or whether he was now disposed to let down the ladder he had mounted by. But he (Mr. Bright) did not scruple to say that a Gentleman occupying the station of leader of the House of Commons could under no circumstances be justified in leaving a question of great public importance, not only not decided, but on one night in one position, on the next night in another position, at a time when he must be conscious from the effect produced by his own speeches in past times, and from the general tenour of the addresses of his supporters, that large classes in this country were impressed with a belief that their interests were bound up with the question, being elated with joy by the intimations of one day, and plunged into the depths of despair by the hints of the following day. He appealed to the hon. Member for East Somersetshire (Mr. Miles), or to the hon. Member for North Essex (Sir J. Tyrell), whether the Budget speech of the right hon. Gentleman the other evening had not produced the most marked changes in their countenances? He had seen at one time a cloud come over the bright countenances of hon. Gentlemen opposite; and then, at another, after a speech from the right hon. Gentleman the Chancellor of the Exchequer, who was a most wonderful master of words, he had seen that cloud clear away, and the faces of those hon. Gentlemen again assume a sunny aspect, which was always to be seen when a favourite orator was proving that the agricultural classes were hopelessly ruined. He did not know to what historical personage the right hon. Gentleman the Chancellor of the Exchequer could be compared. But there was one celebrated individual to whom he might be likened. Some years ago an interesting deputation from some North American Indians — whether Cherokees or Ojibbeways he did not remember—came over to this country. They had among them one man of great ability and great ingenuity. He acted for them as guide, counsellor, teacher, and interpreter, even prescribing for them, and this individual was called "the mystery man." Now, when he (Mr. Bright) looked at the countenances of the hon. Member for North Essex, the hon. Member for East Somersetshire, and many other hon. Members whom he could name on the opposite side of the House, and saw the change that had been made in them since the speech of the right hon. Chancellor of the Exchequer the other night, he must say the right hon. Gentleman the Chancellor of the Exchequer seemed to be "the mystery man" of the aboriginal party whom he saw on the Ministerial benches. He would just refer to one observation in the speech of the right hon. Gentleman last night. He (Mr. Bright) had no idea that so great a question as the second reading of the Income Tax Bill was to be brought on at so late an hour; but he must say if he had been in the House when it was brought on, he would not have offered any opposition to it, for he believed that there was no alternative but that the Income Tax must continue for another year. In the course of the discussion on that matter, the right hon. Gentleman, speaking of the possibilities of a dissolution, had said it was an event not only not remote, but even imminent. It was to be regretted that this intention had not been mentioned a month or six weeks ago. But if the Government was going so soon to appeal to the country, then he (Mr. Bright) begged to ask why they were pressing this Militia Bill, on which they probably had no strong opinion, which they had very likely found in their offices, and which could only add to the unpopularity of a Government not already too strong? Why not postpone the Bill till October, November, or February, when most of them hoped to meet again? A great change had been made in the Bill last night; and he thought the expression he had used in regard to that change was a correct one—that they had abandoned the emergency which they had previously alleged for hurrying on the Bill during the present Parliament. There was not a man among the Members of the Government who would say—nor would even the noble Lord the Member for Tiverton (Viscount Palmerston), their great teacher in this matter, their saviour, as he might call the noble Lord—that the question of urgency was now pleaded. They had agreed to leave it to the next Parliament to decide whether the ballot was necessary. Why, then, not leave the whole Bill to the next Parliament? A very considerable minority in that House had protested against the Bill. That minority was backed by the largest constituencies represented in that House. He was not arguing that other constituencies were not as intelligent; but he simply stated the undeniable fact that the great constituencies, as represented in that House, were all opposed to the Bill. For instance, successive petitions, with altogether 30,000 signatures, had been presented from Manchester against the Bill, and as the project was to get 14,000 militiamen out of Lancashire, these petitions were entitled to deep attention. No hon. Member could say that his constituency had called on him to support the Bill; and he would remind the House that no hon. Member from the Government side had presented petitions in favour of the Bill. He therefore, then, appealed to the House to insist on a delay; and he made that appeal because the Government and the Government's supporters had utterly and completely failed in adducing any argument whatever to demonstrate the absolute necessity of the measure. If it was true that an election was imminent, if it was the fact that the right hon. Gentleman the Chancellor of the Exchequer was thinking of going soon to the country on his general policy, then he (Mr. Bright) would beg of him, little as he desired to add to the popularity of Ministers, to withdraw the Militia Bill. He spoke to the right hon. Gentleman in the most friendly spirit; he addressed the party on grounds which the right hon. Gentleman would be well able to defend; and he was quite sure if they would take his advice they would do themselves great service, and at least gain the credit of being more judicious than the noble Lord the Member for the City of London. He (Mr. Bright) would have no objection to discuss a similar Bill in the next Parliament; and, in the next Parliament, farther removed from an artificial panic, and from contingent party pledges, the House of Commons would doubtlessly come to an unimpassioned and sagacious conclusion.

Mr. MILES said, he had no desire to prolong that discussion, but as he had been appealed to by the hon. Member for Manchester, he merely rose to state that whatever the hon. Member's interpretation of the mystery might be, his (Mr. Miles's) was very different; and he would assure the hon. Member that Gentlemen on his (Mr. Miles's) side of the House had the utmost confidence in Her Majesty's Ministers; and that whether protective duties might be brought forward in the next Parliament, or justice sought to be done in some other way to the agriculturists, Gentlemen on his side of the House felt certain that they would endeavour to carry out the principles which his right hon. Friend the Chancellor of the Exchequer so nobly upheld while in opposition. The hon. Member for Manchester said that he spoke in the most friendly spirit. Perhaps he did: but his actions were not in keeping with his intentions; for all that he did was to impede and obstruct the business of the Government. He (Mr. Miles) could not make out what the present debate was about. The only result was to enable hon. Gentlemen opposite to stop business and make speeches. He hoped the Government was in earnest with this Militia Bill, and that they would continue to press it; and he thought if hon. Gentlemen opposite were really as impatient as they professed to be for a dissolution, they would discontinue their speeches and get on with the business of the House. The country could only be disgusted with the proceedings of those hon. Gentlemen.

Mr. SPOONER said, that having been so pointedly alluded to by the hon. Member for Manchester (Mr. Bright), it was his intention to say a few words upon the present occasion. The hon. Member had given him the alternative of either confessing himself a dupe or a deceiver. He supposed that these were Parliamentary expressions, or otherwise Mr. Speaker would have stopped him. Now what he (Mr. Spooner) had to say he hoped the hon. Member for Manchester would take in a friendly spirit. Considering the quarter from whence the attack came, the hon. Member was perfectly at liberty to call him dupe or deceiver, or whatsoever other epithet he pleased. Of this fact he might rest assured—he would not be his dupe to be led into the anticipation of a debate which would come on in the ensuing week. He had endeavoured to avoid doing anything to interrupt the regular course of business of the House. He was indisposed to interfere with the winding-up of the business of Parliament by bringing forward anything that he could well avoid submitting to the consideration of the House. He would take care neither to be duped by the hon. Member, nor to follow his course as a deceiver in the way he mentioned. In regard to the observations of the hon. Member for Montrose (Mr. Hume), he did not know what it was that made him find fault with the right hon. Gentleman the Chancellor of the Exchequer for going on this morning with the Property Tax Bill, inasmuch as his (Mr. Spooner's) right hon. Friend, in bringing on his Budget, said it was his intention to continue the Property Tax as a necessary measure. If the hon. Member for Montrose did not accept it, why did he not get up and say so? Why did he not give notice on the subject, or express a hope that the Bill would not be discussed on Friday night? But because his (Mr. Spooner's) right hon. Friend took it as a matter of course that the measure was accepted, and under such impression had brought it on last night, the hon. Gentleman now finds fault with the course thus taken by the right hon. Gentleman the Chancellor of the Exchequer. He hoped the House would at once proceed with the regular debate, and not continue this irregular discussion any longer.

Sir BENJAMIN HALL: The hon. Gentleman the Member for Manchester (Mr. Bright) has just stated to the House that very often material good results from deliberation and discussion, and I think that sentiment has been fully illustrated on the present occasion. The hon. Member for East Somersetshire (Mr. Miles) says he believes fully that the Government will now be prepared to carry out those opinions and that policy in power, which they advocated in opposition. My own impression is that they will do so. When I heard the speech of the right hon. Gentleman the Chancellor of the Exchequer in bringing forward his Budget, I was one of those who cheered that speech, and I did so not because I believed the right hon. Gentleman was going to give up the policy which he previously advocated, but because in that admirable and lucid speech he corroborated in the fullest and clearest manner

every proposition which we have brought forward, and every principle which we have advocated; and he did full justice to those who had brought forward and carried the proposition of free trade in this House. But I am rather surprised, I confess, that my hon. Friend the Member for Montrose (Mr. Hume), and my hon. Friend the Member for Finsbury (Mr. Wakley), should believe that any man taking office, after having avowed the sentiments that the right hon. Gentleman the Chancellor of the Exchequer had done, would, immediately after having crossed the floor of this House, give up all his former opinions and principles, and that merely for the sake of holding office. I received, a day or two ago, a document which would seem to show that it is almost beyond the present Government to give up protection. Will it be believed that a few days after the Earl of Derby was placed at the head of the Administration, a society—called a Society for the Protection of Native Industry, but which is a pro-corn-law league—met, with the hon. Member for North Warwickshire (Mr. Newdegate) in the chair, and that they opened that, their first meeting, by giving thanks to Almighty goodness—that is the expression—for having been pleased to restore Lord Derby to power, in order that the principles of protection might be carried out. [An Hon. Member: Was there any archbishop present?] No; there was no archbishop present—it was left to my hon. Friend the Member for North Warwickshire to say the prayer. The resolution agreed to was this—

Mr. NEWDEGATE rose to order. The statement of the hon. Baronet was perfectly incorrect. It was a gross misrepresentation to say that he had ever read any prayer on the occasion referred to. He thought it right not to allow any such statement to pass uncontradicted, and, therefore, he hoped the hon. Baronet would make the only reparation in his power by reading the resolution.

Sir BENJAMIN HALL: That is just what I was going to do; and I will withdraw the word "prayer," and say it was a thanksgiving. I will read the document. "The National Society for the Protection of Industry and Capital throughout the British Empire." That is the heading:—

"At a meeting of the acting committee of the National Association for the Protection of Industry and Capital throughout the British Empire, held at the South Sea House, London, on Monday, the 1st of March, C. N. Newdegate, Esq., M.P., deputy chairman of the acting committee, in the chair, it was resolved—That this association, first humbly acknowledging the hand of Almighty Goodness, hails with fervent gratitude the advent to power of the Earl of Derby."

The resolution is:—

> "That it be recommended to the agricultural and every British interest to use every possible and legitimate influence in preparing" [that is in italics] "to secure the return, both for boroughs" [also in Italics] "and counties, of thorough supporters of Lord Derby's Government, and of the policy of which he has been the ablest and most distinguished exponent: and that the above resolution be transmitted to the Earl of Derby, and that copies of it be forwarded to the chairman of local societies, and be otherwise generally circulated throughout the kingdom."

[Col. Sibthorp: Hear, hear!] That appears to gratify the hon. and gallant Member; but let him hear what are the objects of this association. I will tell him, and I will tell him also who are its chief officers, and then I think I shall be able to show that it is utterly impossible for hon. Gentlemen who held this meeting immediately after Lord Derby had taken office, and who opened it with thanksgiving to God, to give up that protection which they advocated on this side of the House. I am speaking now for the consistency of hon. Gentlemen opposite. Now, what are the objects of this association? "The restoration and maintenance of protection." To give effect to this object—

> "It is proposed to concentrate in the metropolis the vast but scattered power of individuals resident in all parts of the United Kingdom favourable to the principles of protection, to apply the power when centralised to disseminate sound information as to the questions of free trade and protection, and to oppose by every constitutional and legitimate means the organised efforts of free-traders."

Why, you are bound to protection in consequence of that. You are bound by your principles, by your association, and by the opening of your meeting, to reimpose that protection which you advocated when in opposition on behalf of the people of this country. Now let us see who are the vice-presidents of this association. I will only give the names of those who hold offices in the Government. They are as follow:—The Judge Advocate, the Secretary at War, the Chancellor of the Duchy of Lancaster, the Prime Minister, the Under Secretary for the Colonies, the Chancellor of the Exchequer, the Lord Chamberlain, the President of the Board of Control, the Lord Steward, the Secretary of State for Foreign Affairs, and the First Commissioner of Works. I will not follow the list through; but I may say it includes Lords and Gentlemen of Her Majesty's household. Therefore I say, with this list before us, with these principles enunciated, and with this meeting held the very first moment after Lord Derby took office, it is utterly impossible for hon. Gentlemen opposite to give up this principle which they formerly professed. I believe that good has come from this discussion, because when we go to a dissolution we shall be able to show we are now voting really against a Government who are obliged, by every point of honour, and by every principle on which men ought to hold dear either their political or private character, to lay a tax on the food of the people. ["No, no!"] It is very convenient to say "No, no;" but my belief is, giving you credit for honourable intentions, that you are bound to do so; and I believe, also, you will do so, if you can induce the people to allow it.

Mr. ADDERLEY said, it was well known to the hon. Baronet and those who had cheered him that the gentlemen whose names he had read as being members of the association had been connected with the society for a great number of years. Many of those gentlemen had been connected with the association since 1846, when they were struggling for protective duties, and they have remained upon the society to this day, when—although they perhaps saw the impossibility of reviving those protective duties—they acknowledged the hardship to which the farmers were subjected; and there was not, therefore, anything very inconsistent in finding such names now upon the list. Hon. Gentlemen opposite seemed to have discovered a wonderful mare's nest in the financial statement of the right hon. Chancellor of the Exchequer the other night. They seemed to suppose that the right hon. Gentleman had recanted his former opinions. What did that financial statement amount to? To a statement of facts. The right hon. Chancellor of the Exchequer stated the success of Sir Robert Peel's financial measures, and therefore it was concluded that he withdrew from his former position on the part of the agricultural interest, because that interest had been, as they always said they should be, hit hard. The inference hon. Gentlemen sought to deduce from it was simply ridiculous. The same policy was adopted in the reduction of omnibus and steamboat fares. But it did not follow that because the watermen on the river admitted the success of the cheap steamers, that they ignored the existence of the injury they had themselves experienced by them. Just so with the agriculturists: their position was now strengthened, and they claimed that if there were certain burdens resting upon them in consideration of the privileges they before had, and the success of those experiments had removed them from their advantageous position, the burdens we had put upon them should be removed also.

Mr. W. WILLIAMS said, he felt certain that the Members of the Government had too much sense to suppose that there were now any means by which relief could be given exclusively to the agricultural interest.

Colonel SIBTHORP would leave the country to judge of the conduct of the hon. Baronet the Member for Marylebone (Sir B. Hall), and the hon. Member for Manchester (Mr. Bright), in reference to the Government. Whatever might be the opinions of those hon. Members, they were a matter of perfect indifference to him. It was enough for him that the people out of doors were well aware of their gross misconduct. He had the honour to belong to the society to which the hon. Baronet the Member for Marylebone referred, but he did not belong to the Anti-Corn-Law League. The one carried on its business in an honest, straightforward manner; but the Anti-Corn-Law League had recourse to a low, dirty, sneaking, underhand, disgraceful mode of proceeding. He would tell the hon. Gentleman the Member for Manchester that it would do him more credit if he refrained altogether from addressing the House, for at present he was only interrupting the business.

Motion *agreed to.*

MILITIA BILL.

Order for Committee read.

House in Committee.

Clause 7.

Mr. WALPOLE moved that the second blank in the clause, for the number of militiamen to be raised in the first year, be filled up with the words "fifty thousand."

Sir EDWARD COLEBROOKE said, that the proposition of the Government would involve peculiar difficulties, and amongst them the following—that if at the end of four years an emergency arose which rendered it necessary to call out the militia, the country would be put to the heavy expense of training and drilling the men for six months, in order to get six months' service out of them, that being the whole remainder of the term of service which could be demanded of them. Considering, therefore, that the Bill was in the nature of an experiment, he thought it would be better to adopt a smaller limit for the number—say 20,000—to be called out in each year, by which means the country would have an opportunity of judging of the operation of the Bill, and be able to see what was the character of the men, and what degree of reliance might be placed in them in case of danger. He should meet the proposition of the right hon. Gentleman with a negative.

Mr. RICH said, he was of opinion that if as many as 50,000 men were raised in the first year, it would materially interfere with the recruiting of the regular Army: 20,000 or 25,000 men would be fully adequate for the purpose of the Government, and if they attempted to gain more, they would probably defeat their own object, which, as far as he could gather from the debate of last night, was to avoid having recourse to the ballot.

Mr. WILSON PATTEN said, that if it were intended to make the raising of 50,000 men in the first year compulsory, he should vote against the Motion. In his opinion 25,000 would be quite sufficient; but if the right hon. Gentleman the Home Secretary consented to reserve to the Government a discretion, and the 50,000 were not to be compulsory, he would not object to the insertion of the proposed words in the clause.

Lord JOHN RUSSELL said: I had understood that the ballot was to be suspended altogether; but the right hon. Gentleman has since stated that there will be reserved that power to the Crown which is usually reserved, namely, that of having recourse to the ballot, with the advice of the Privy Council.

Mr. WALPOLE was very much obliged to the noble Lord for mentioning that subject. He proposed to alter the 16th Clause, so as to provide that the ballot should not be resorted to unless in case of actual invasion or imminent danger.

Mr. SLANEY was glad that the Government had determined to raise this body of men by bounty, and not by the ballot.

The former, he thought, was the only just and right way in which to raise a force. It was not fair to compel the humbler classes to pay as much for providing a substitute as would have to be paid by the rich. He thanked the Government for the alteration which they had made in the Bill, and hoped that they would succeed in raising a sufficient force upon the voluntary principle.

Mr. HUME said, the speech of the hon. Baronet (Sir E. Colebrooke), and of the hon. Gentleman who had just sat down, would lead the public to suppose that this force was requisite. Now he (Mr. Hume), for one, up to that hour had not heard a single reason showing the necessity for raising any force at all. He considered that the money which would be expended under this Bill would be an absolute waste of the national revenue. Instead of thinking that any additional force ought to be raised, he thought on the contrary, that our regular forces should be diminished by some 15,000 men.

Sir GEORGE CLERK said, as it appeared that the ballot was to be suspended till the end of the year, except in case of imminent danger, he wished to know, whether, supposing the Government could not, by means of the voluntary system, raise the whole of the 50,000, the Government, at the commencement of next year, would have recourse to the ballot to make up the deficiency? Now, if the ballot should be had recourse to under these circumstances, he should certainly vote in favour of a smaller number than 50,000.

Mr. WALPOLE said, he was afraid the right hon. Gentleman had not read the 16th Clause as amended, because it provided that the raising of the deficiency at the beginning of next year should be left to the discretion of the Crown. He had informed the Committee on the previous night that it was the intention of the Government to make the Bill permissive, and not compulsory. As the clause stood, it was not compulsory upon the Government to raise the full number; but it was necessary to reserve the power of raising the 50,000 if it were found that it could be conveniently done under the volunteer system. The machinery of the ballot would not be put in motion, if the number of volunteers did not amount to 50,000, except in case of danger of actual invasion.

Sir GEORGE GREY said, the clause stated that there should be raised, and from time to time kept up, 80,000 men; and then it provided that voluntary enlistment should take precedence of the ballot, and then it gave the Crown power to have recourse to the ballot; and he conceived it would be the duty of the Government to advise the Crown to exercise that power. From the whole scope of the Bill, he understood it was the intention of the Government that that number should be kept up.

Mr. MILNER GIBSON wished to know whether there was to be another Militia Bill brought in besides the present one? The ballot for the Militia under 42 *Geo.* III., cap. 90, was suspended till November, 1852. There was nothing in this Bill to continue that suspension, and he wished to know, therefore, whether it was intended to introduce another Bill to continue the suspension of the ballot under the 42 *Geo.* III.?

Mr. WALPOLE said, it was not the intention of the Government to introduce another Bill. In the opinion of the law officers of the Crown, such a step would be quite unnecessary.

The ATTORNEY GENERAL expressed his decided opinion that the Bill would certainly postpone the ballot to the 31st of December, according to the rule of law, by which, when two Acts were inconsistent with each other, the latter virtually repealed the former, although no words were actually inserted for that purpose.

Motion made, and Question put, "That the blank be filled up with 'fifty thousand.'"

The Committee *divided* :—Ayes 135; Noes 61: Majority 74.

On Question, that the next blank be filled up with the words "thirty thousand,"

Mr. MILNER GIBSON said, he must again object, on the ground of the proposed duration of the measure. The right hon. Gentleman the Home Secretary had said that when we voted the Army and Navy Estimates, we only provided for one year; and acting upon the principle that the circumstances of the time and the opinion of the House were to govern the numbers of men and the expenditure, he could see no reason why, in a Militia Bill, they should diverge from this wholesome rule, nor why they should now pledge themselves to the number of militia for future years, excluding all consideration of what the future circumstances might be.

Mr. WALPOLE said, the principle was a very plain and just one. The Committee had decided that a militia force of 80,000 men ought to be raised, and the Government thought it was more expedient and less inconvenient to the population to spread the construction of that force over two years than to raise it all in one.

Mr. MILNER GIBSON would admit that for those who had already voted for a militia force of 80,000 men, it might be rather awkward to adopt his views.

Mr. WALPOLE said, one of the main principles of the measure was to maintain a permanent army of reserve.

Mr. WAKLEY said, a majority of the House having voted that the number of the militia force should consist of 80,000 men, they who opposed it must of course submit; but still he thought it was their duty to oppose the Bill upon every point, at any stage, and by every means in their power; and, indeed, he entertained a very strong opinion that they would not be doing their duty to their constituents if they did not avail themselves of the forms of the House in order to prevent this Bill from passing into a law: and, for his own part, he believed it was the most preposterous measure that ever was proposed, and there was not a sensible person out of the House that was in favour of it. The noble Lord the Member for the City of London (Lord John Russell) now sat upon that side of the House. The noble Lord had fallen—his supporters had fallen—they were, in fact, a fallen host. They had stuck to the noble Lord as long as he was squeezable, and he now appealed to the noble Lord, and asked him what were the particular circumstances of the time which, in his opinion, rendered the raising of this force necessary. He had not heard any statement from the noble Lord, or from any Member of the Government, which satisfied any person out of that House that such a force was either necessary or required; and he had not heard anything said in that House, nor any one express any reasons, founded upon facts, which showed that it was expedient to make such an addition to the permanent forces of this country. He now asked the noble Lord if he would be so kind as to state, as he was now out of office, the precise particular grounds showing the necessity for this force. He believed the cost of this force would amount to 600,000*l.* or 700,000. Now, considering the expenses of the Kafir war, and that agriculturists and other classes in this country were crying out for relief from taxation, he thought more strong reasons ought to be put forward before this Bill was sanctioned. As to any apprehension being entertained with regard to France, the Government in that country, for the last twenty years had not been more secure. Things had settled down in France. The French people liked their President. There was no accounting for tastes; but the people of England had no right to find fault with the tastes of the people of France in this respect. The French people were, he repeated, in a state of perfect quietude and contentment, and yet we in effect told them, "Though there be apparent peace in your country, we doubt and mistrust you; we must add 80,000 men to our force, because we believe you intend to make a descent upon our shores." He asked what was the foundation for this belief? If the noble Lord was acquainted with any circumstances which would show that this particular force of 80,000 men was required this year more than last year, or any other year for the last quarter of a century, he, for one, would abandon all opposition. But in the absence of any such information, either from the noble Lord or from the present Administration, he felt bound to oppose this as well as every other part of the Bill.

Lord JOHN RUSSELL said, it had not been his intention to trouble the Committee on this occasion, or to do so, indeed, on any occasion on the Bill going through Committee. He had stated before the House went into Committee that he was ready to vote for the Bill going into Committee; but, entertaining objections to so many portions of the Bill, he could not possibly take part in it in Committee. Accordingly, as he did not wish to embarrass Her Majesty's Government, he had not given a single vote on any of the clauses. But the hon. Member for Finsbury asked him to state the general reasons he had for proposing a Militia Bill. [Mr. Wakley: The precise particular grounds showing the necessity for this force.] He thought the demand which the hon. Gentleman and which other hon. Gentlemen had made, was somewhat unreasonable, because if they alleged as a ground, that the Government of France was hostile to this country, that we might expect immediate hostilities, that those hostilities could not be delayed beyond a few weeks, and therefore we must have a great army—that was not a prudent course for the House of Commons or for any Government in this country to pursue. No doubt great armaments might be necessary if there was any danger; but he did not see such immediate prospects of danger at present, although he would say generally, from what had passed during wars between this country and our near and powerful neighbour, that we ought to make such fair and moderate preparations for defence as should enable the Government of this country, in any discussions which might take place, to maintain the honour and dignity of the country. On that subject he had very little more to say than he had in 1848, when he thought some more preparation was desirable. The House of Commons did not think it necessary. But in the present year he certainly still held the opinion he held in 1848, and thought it desirable to make some preparation. He thought it the duty of any Government more especially to call the attention of the House of Commons to a subject of this kind, because the people of this country would naturally say, "If there can be any danger, if there is any prospect of war breaking out hereafter, we will hold you (the Government) responsible if there is not a sufficient force to meet that danger; it is incumbent on you (the Government) to propose that force which you may think necessary, and the people will accept or not what you propose." Then he must again say, he did not put this question with reference to any immediate prospect of hostilities. He saw no such prospect. He saw no reason to believe that the present President of France entertained any hostile intentions. He (Lord John Russell) came then to general danger. This country has been four times involved in hostilities within the century, and it was obvious that there were various subjects of discussion relating to our interest, our honour, or the safety of our allies, which might tend to bring on hostile discussion with France. The question of Tahiti, and the question of Greece, had each led to such a state of things, that very nearly involved this country in a war. Suppose such a state of things to arise again, were we in such a condition as that the Government of the country ought to be satisfied? His opinion was that we were not. He could not think the force in this country, of which he had a return, dated the 1st of January, stating all the force of guards, cavalry, and infantry in Great Britain at 28,344 men, and that in Ireland at 26,500 men—he could not think that a force which would be sufficient if hostilities were to break out. He did not think a force would be so immediately supplied as some hon. Members seemed to suppose, or the defence of the country would require. The hon. Member for Finsbury, and those who argued like him, meant that, if there were evident indications of hostility from France—if that Power made a demand on us to which we could not accede—then, and not before, we should begin our preparations. He (Lord John Russell) would think that a very dangerous course, and was of opinion that a force should be raised for the defence of the country. The course he proposed to take for that purpose was to raise a force for the local militia, namely, an annual force, partly raised by the ballot and partly by voluntary enlistment, composed of men so young that it was not probable they would be married men, and who should not be obliged to leave their counties except in case of invasion or of imminent danger. It was further to be provided that their services should not be continued beyond six months, or, under certain circumstances, beyond a year. With these conditions and limitations, the ballot was to be taken. The noble Lord the Member for Tiverton proposed to alter the title of the Bill before it was brought in; and, as he (Lord John Russell) understood, to make the case one of regular militia, which was a force of a different kind to what he had proposed. If the alteration had been a mere alteration of title, the time for making it would have been at the end of the Bill, when Mr. Speaker put the question, "That this be the Title of the Bill;" and it remained to be considered whether the Title agreed with the contents of the Bill. The noble Lord thought a force of local militia liable to great objection, raising the special objection that the militia he (Lord John Russell) proposed was not a militia for Scotland and Ireland as well as for England. It was evident to him that the proposal made by the noble Lord the Member for Tiverton would totally alter the character of the force, and he (Lord John Russell) therefore declared that he could not be a party to introducing a Bill for a regular militia, and that if such a Bill were introduced by any other Member he should consider himself at liberty to oppose such a Bill on the second reading. Certainly, if it had been merely a formal change which had been made as to what should be the Title of the Bill, he would not have taken that course. But he thought the alteration a material one, and the noble Lord the Member for Tiverton must also have thought it material, otherwise he would not have taken the course of proposing a change in the Title of the Bill before it was introduced. The case would be the same as if he (Lord John Russell) had brought forward a Bill to extend the Suffrage in respect of Voting for Members of Parliament, and it had been proposed to introduce into the title words making the Bill one for Universal Suffrage. He could not have assented to such a change, and must have rejected the Bill. A Bill was afterwards brought in by the present Government containing provisions for establishing a regular militia, which had been considered by the former Government, and deliberately rejected by them. It appeared to him that a plan for a regular militia must have these objections to it, that, even founding it on the ballot, the obligation on men to enlist as soldiers in the service for five years would be so great a hardship that the plan would break down before it could be carried into operation. The alternative was to obtain men by voluntary enlistment; and these were not likely to be obtained except by a bounty. Raising a large number of men by means of a bounty, it appeared to the late Government that the men raised would not be the most likely to make good regular soldiers unless they were kept in bodies, or as regular soldiers of the line were kept. The present plan was liable to these objections, and he was still waiting to hear from the right hon. Gentleman opposite how he expected this force to operate. He (Lord John Russell) thought the raising of a force for the defence of our own shores necessary; and he could no more think the Government of France could take offence at that than he could think that we had any right to take offence at their having upwards of 300,000 men embodied as soldiers in their territory. Whether they ought to keep up so large a force he would not discuss; but, while unfortunately all the great Powers of Europe kept immense regular armies on foot, it could not be a matter for surprise that we should organise a force for our own defence. He was not surprised, therefore, that any Government should propose, in addition to 50,000 regular troops, to obtain the assistance of 80,000 militiamen, only called out for exercise for twenty-one days. There could not, therefore, be a reason for any Government taking offence at such a natural precaution upon our part. But with respect to the Bill—supposing they did not use the ballot, and supposing they got a sufficient number of men by bounty, it did seem to him most essential that they should obtain by bounty the regularly settled inhabitants of the parish or district to which the men belonged, and that they should not be exposed to the chance of having a body of unsettled and vagabond persons enrolled merely for the sake of getting the 6*l.*—a very considerable sum in their eyes,—but who would not be forthcoming when required. When he on a previous occasion took this objection, he was told that the Secretary at War would have to see that the Act was properly carried out; but that he considered to be a very unsatisfactory answer. In all Militia Acts Parliament had taken especial care to introduce provisions by which its objects should be carried into effect. If they had 80,000 men with arms in their hands, and trained for a certain time, it was necessary they should be trustworthy men. If it were said, as he understood the right hon. Chancellor of the Exchequer had said, that it was desirable a portion of the population should be trained to the use of arms, then it was not only desirable, but it was essential, that those men should have the good of the country at heart, and that they should be men of respectable character, upon whom reliance might be placed, not merely when the enemy was at the gates, but under all circumstances, as men of loyalty and good conduct. That was an essential object which the House ought to secure, and if it were an essential object, then he thought the manner in which it was proposed to raise this body of men was most unsatisfactory. To say, also, that the necessary regulations were to be made by the Secretary at War, and that they were not to be inserted in the Bill, did appear most extraordinary. But then he was told that if the House expressed any distrust upon this point, they would be expressing distrust of the people of England. Now, for his part, he could conceive no answer more absurd, with regard to a question of this kind, than that of saying that, because it was supposed possible that persons would enlist for the sake of the 6*l.*, and then not be forthcoming, that therefore those who might so think actually mistrusted the whole of the people of England. Why, the people of England were certainly divided into many different classes, and he could not conscientiously say that the whole population of this great country were fit to be trusted on every occasion. It might as well be said that, if one did not leave his own door unlocked at night, he therefore was distrustful of the people of this metropolis. Now, he trusted the people in general, but at the same time he knew there were characters among them whom he could not trust at all. If they were to go to Epsom Downs on the 26th of this month, they would, no doubt, find many of the gentry, and yeomanry, and tradesmen of the country there, all of whom would be perfectly fitted to be trusted, and whom they would like to see embodied in the militia of this country with arms in their hands; but no one could say that Epsom Downs would be entirely filled with persons of that description. There would, no doubt, be many whom they would be sorry to see either in the police or in the militia, employed to maintain the peace of this country. He thought, therefore, it was essential that instead of leaving this matter to the discretion of the Secretary at War, some clause should be inserted in the Bill which would be a guarantee against improper characters being enrolled. It had been said that some additional clauses were intended to be added to the Bill. If so, it was desirable that the Committee should know what they were. If they were about to raise a militia force of 80,000 men, at an expense of 350,000*l.*, it was not too much for the House of Commons to require that that force should be composed of persons of good character, on whom the House could rely, and concerning whom the presumption was favourable, that they were persons who might be trusted with arms in their hands.

The ATTORNEY GENERAL said, he thought that the expectations of the hon. Member for Finsbury (Mr. Wakley) were rather unreasonable. The hon. Member stated that the noble Lord (Lord John Russell) had deserted him; but, at the same time, he said that he had stuck to the noble Lord as long as he was squeezable. If the hon. Gentleman had stuck to the noble Lord as long as he was squeezable, it was clear he would not have deserted the noble Lord on the present occasion, unless he had been fully saturated. If the hon. Gentleman had chosen to act the part of a leech,

"Non missura cutem, nisi plena cruoris hirudo,"

he must have expected to be treated like a leech; and if the noble Lord had sprinkled a little salt on the back of the hon. Gentleman, no doubt he would have quietly fallen off, gorged with blood. The noble Lord had, however, gone considerably aside from the question before the Committee, for the purpose of explaining the conduct he had pursued with regard to this Bill, and with a view of showing that there was nothing inconsistent in the course which he had adopted. He (the Attorney General) thought it was essentially necessary that the course taken both by the noble Lord and the noble Lord the Member for Tiverton (Viscount Palmerston) should be distinctly understood; and that the difference between a local and a general militia should be clearly explained. A local militia could only be called out in case of actual invasion, or an enemy appearing on our coast, or of a rebellion, or of an insurrection arising at the time of such invasion, and they could only be kept on foot for six weeks after the enemy had left our coast, or had been repulsed. In the local militia, no substitutes were allowed. Now, the noble Lord brought forward a Bill for establishing a local militia. [Lord JOHN RUSSELL: No, a Bill to amend the Local Militia Act.] No one ever heard of an Act to amend one totally different. What did the noble Lord propose to do? Did he propose that his militia should only be called out in a time of invasion? No; the noble Lord proposed that while an invasion was only apprehended, the militia should be called out, which was a very different thing from an actual invasion. Did the noble Lord propose that his militia should remain on foot for only six weeks after the enemy had disappeared? Not a bit of it. He proposed that his militia should be kept on foot for six months. Did he propose that there should be no substitutes? No. The noble Lord proposed that there should be substitutes. The noble Lord's militia, then, was not a local militia; and what said the noble Lord the Member for Tiverton? He said, "Don't give us a false title to your Bill; you call this a Bill to amend the local militia; it is anything but a local militia; it is a regular militia; let me amend your title by getting rid of that little word 'local,'" and make the title agree with the provisions. "No," said the noble Lord, "I will not suffer you to lay your little finger on my Bill." The whole thing was a mere question of Ministerial etiquette. It was not, in point of fact, proposing any change in the provisions of the noble Lord's Bill, but a mere verbal alteration in the title. But rather than submit to this change, the noble Lord (Lord John Russell), somewhat precipitately, threw up the Government and abandoned the Bill. The noble Lord had again and again stated that he believed the defences of the country required to be strengthened, and yet they found that the noble Lord, instead of assisting, was opposing every effort that Her Majesty's Government was making to pass a measure having for its object the strengthening of those defences. Having thus followed the example set by the noble Lord in straying from the subject, he would remind the Committee that the question before it was the insertion of 30,000 men in the blank.

LORD JOHN RUSSELL said, he felt justified in complaining of the conduct of the hon. and learned Attorney General on this occasion. He (Lord John Russell) considered the distinction between a local and a regular militia sufficient to induce him not to proceed with his Bill; he had been confirmed in his view in that respect, because one great fault found with his measure was that he did not extend it to Scotland and Ireland. His answer to that objection was, that he did not know what might be required; but if he had contemplated a general militia, he certainly should have thought it necessary to frame a Bill for Scotland and Ireland. Besides that, every general Militia Bill contained a clause declaring that any person who enlisted must serve as a soldier embodied in time of war. Considering these differences between a local and a general Militia Bill to be so great, he said that he could not bring in a Bill of the latter description, and that he should oppose any such Bill if brought in by any other person. Such a Bill, however, was brought in by the present Government, and he opposed it, as he had said he should do if he thought proper. But, having been defeated on the second reading, he had taken no part in opposing any of the clauses of the Bill in Committee; and yet the hon. and learned Gentleman had accused him (Lord John Russell) of attempting to do that indirectly which he would not do directly. It might have been more prudent, perhaps, if he (Lord John Russell) had waited and opposed the clauses of the Bill in detail, but, having failed on the second reading, and then having refrained from opposing any of the clauses, he thought it was, at least, a course of which the Government had no reason to complain. He was still of opinion that these clauses were not sufficient to provide a good defence for the country, and he could not vote for them, but he should oppose no obstacle to their being passed.

MR. WAKLEY could assure the noble Lord that whatever dissatisfaction he might have produced in the country with reference to his shortcomings on Parliamentary Reform, yet no one was guilty of the meanness of imputing to him treachery in the conduct of public affairs. The feeling was universal that he had always acted as a straightforward and honourable public man; and however reformers might deplore that he did not put himself in an attitude which would entitle him to their warm and generous and zealous support as the leader of the reform party—however much they might think that he had not come out as he ought to have done—still they felt that he had not been guilty of having broken any pledges. What the noble Lord had promised to do, that he had faithfully done; and he (Mr. Wakley) could assure the noble Lord that from one end of England to the other, he bore and sustained the character of an honourable and an upright man. He regretted that the noble Lord had not taken the lead in the reform movement when the ball was at his feet; but still it must not be forgotten that the noble Lord was a reformer when some men in that House were Tories. He was old enough to recollect what the noble Lord did in former times. He, in fact, broke the ice. He recollected what the noble Lord did with reference to Acts of Parliament which he would not now offend some hon. Gentlemen present by mentioning. He was old enough to recollect the spirit of Toryism — that dreadful spirit which sought to persecute every man holding liberal opinions, and which was constantly on the look-out for victims. The noble Lord stood up against that spirit—he was then a reformer; and he had established himself in the heart of every reformer as a man who was prepared to dare and to endure everything in the public cause. He only deplored now that the noble Lord had not gone on with the spirit of the times, and thus established a character which would have redounded to his credit through all the civilised world. The hon. and learned Gentleman opposite (the Attorney General) had commenced his observations by a simile which might have suited the Old Bailey or the Sessions House at Clerkenwell, but which was hardly fit for the atmosphere of the House of Commons. The profession of an advocate—though lawyers were always extolling its merits—was not, perhaps, calculated to bring the mind to an exalted position. It must be borne in mind that they lent themselves out for hire, and that they were constantly engaged in trying to make the worse appear the better reason. The hon. and learned Gentleman had alluded in a most improper and unjustifiable manner to what his (Mr. Wakley's) conduct might have been if he had received a little salt from the noble Lord. Now the noble Lord could tell the hon. and learned Gentleman that he had never solicited a single favour at his hands. He was sure the noble Lord would say that in a single moment. He believed there was no man in the House of Commons who had pursued a more independent course than he had. It had been his pride and his pleasure to do so, and it had been a comfort and a satisfaction during the time he had been a Member of the House of Commons in being able to act at all times as he thought right, and altogether free from party obligations. As the hon. and learned Gentleman had thus referred to salt, perhaps he would excuse him if he referred, for a single moment, to such a thing as meal. A rat was very fond of meal. The hon. and learned Gentleman should not have likened him to a leech, if he did not wish that he (Mr. Wakley) should liken him to that animal, the rat. The imputation of selfish motives to him was entirely unfounded. He had not been a law officer under a Freetrade Administration, and now found himself a law officer under a Protectionist Administration; but he must say he found it was always the case that persons who were influenced by improper motives themselves, embraced every opportunity of bringing the motives of others down to their own low level.

The ATTORNEY GENERAL said, the hon. Gentleman was perhaps the only person in the House who could have believed that he meant to attribute improper motives to him. He certainly never had the slightest intention to do so, and he did not think that the expressions he used could possibly bear that construction.

Mr. WAKLEY said, if that was the case, he heartily begged the hon. and learned Gentleman's pardon, and was very sorry for what he had said ; but he certainly thought at the time that no other construction could be put upon the hon. and learned Gentleman's words than that he had done.

Mr. Alderman SIDNEY said, the hon. Member for Finsbury asserted that no sensible person out of the House was in favour of the Bill. Now, he could state that he had that very day met many persons who were generally reputed respectable—men who had a considerable stake in the country — and who, so far from thinking this Bill unnecessary, were expressing their astonishment that any portion of the House should thwart its progress. Then with respect to the noble Lord the Member for London (Lord J. Russell) he could tell him that though his constituents did not dispute his high-mindedness, yet they were astonished at the course he had taken with reference to this Bill; and if there was one action which had damaged the noble Lord's reputation as a great political leader more than another, it was the opinions he had expressed and the votes he had given with reference to this measure. For himself, he could say that he supported the Militia Bill as a friend of peace, because he was satisfied that their preparations of defence would enable them the more effectually to keep the peace. Every one knew that peace could only be preserved by being prepared for war. Hon. Gentlemen opposite talked of the cost of the measure; but what was that compared with the loss which would result from 10,000 or 20,000 men landing in England ? He believed there was no danger of such a thing; he was no alarmist. He was also confident that, if any hostile force landed here, they would never be allowed to return. He had no fear of this country being invaded, but he believed the enrolment of the militia would have a great effect in deterring other countries from making the attempt. He believed that the intelligence of the country was in favour of this measure.

Mr. S. CARTER said, it was his opinion that preparations for defence sometimes led to frightful catastrophes. He had certainly been somewhat enlightened to-night by the noble Lord the Member for London, as to the best mode of expressing disapprobation of a Bill. The noble Lord expressed his disapprobation by absenting himself from the division. He thought it would be much better if the noble Lord would be oftener seen in the lobby dividing with the liberal party. With regard to a recommendation made by the hon. and learned Attorney General in the earlier part of the evening, that this Bill repealed another one by implication, he would advise the Committee not to accept that advice, but to repeal the former Act by express words, and leave nothing to implication.

Admiral STEWART said, it was his intention to oppose the Bill in every one of its stages; at the same time he did not mean to say that the country was at present in a perfectly safe state. The condition of the country in 1803 had been referred to; and it was to be borne in mind that at that time they did not feel themselves safe against an invasion, though they had then 100 sail of the line, besides smaller vessels; and it had been remarked that from the year 1782, when Rodney broke the lines of the enemy's fleet, down to the close of the war, our maritime superiority had been successfully subjected to the severest tests in general and particular actions; but the country at that time had not felt satisfied with resting its defence solely on the Navy, and volunteers sprang up on every side, while even the Judges of the land buckled on their armour. But now it was denied that steam had thrown a bridge across the Channel; but if steam was not a standing bridge across the Channel, he maintained it was a drawbridge, and that the man who had the power of raising it, or throwing it over, was the invader who could choose his own time and opportunity for coming. It had been said by an hon. and gallant Member opposite that he would stake his head on the defence of our shores. He (Admiral Stewart) believed there was not an admiral in England who would not lay down his head to prevent a French army landing in England; but, give the best and most active officer the whole fleet England possessed, speaking as a seamen, and from his feelings and experience, he declared he would not undertake to say that officer could prevent the French from landing; nor ought the House or the country to believe any one who said the thing was impossible. He did not fear a general invasion, such as was contemplated under Bonaparte, who, when he was distributing the crosses and ribands of the Legion of Honour to his assembled legions at Boulogne, saw daily Sir Edward Owen dashing in with the *Immortalité* and taking off his praams under his very eyes; but he (Admiral Stewart) feared the landing of a comparatively small body. At the same time the task of blockading an enemy's port was one of fearful responsibility and anxiety, and, after all, it might not be constantly, invariably, successful. He objected to the Bill because it was expensive, would be inefficient, and would not (as Government said they expected it would) train any portion of the nation to arms. The money might be much better spent in carrying out some of the suggestions of Sir Howard Douglas in his last work on naval gunnery, coupled with those, or something similar to those, put forth on a previous evening, by the hon. and gallant Member for Windsor, who proposed to augment the rank and file of the Army, by forestalling two or three years of the recruiting, by which 14,000 men could be added at once, and easily reduced at any time, by again stopping the recruiting. They must prepare against dashing exploits and predatory incursions. He would not say that the metropolis—so tempting an object—might not be reached if they were perfectly unprepared. [*Cheers.*] Yes, but the Bill did not give the country any security against that. What they wanted was a force of 12,000 or 15,000 men raised, perhaps, on the plan of the hon. and gallant Member for Windsor, divided into one or two fortified encampments within reach of railways, and commanding the metropolis and the river, so as to defend both. Or the second flying force might be stationed somewhere between Exeter and the sea—and to be in readiness to go to any part of the country that was threatened. He (Admiral Stewart) had voted against the Amendment of the hon. Member for the West Riding (Mr. Cobden), because he thought it utterly needless; and if he, who was a much younger Member of Parliament, but an older man, might give the hon. Gentleman advice, he would recommend him not to take on himself to arrange the stations of Her Majesty's fleet. The hon. Member, as conqueror of the Corn Laws, had achieved a glory which would ever lift him in his (Admiral Stewart's) eye over all his compeers. A late witty member of society said that the noble Lord the Member for London (Lord J. Russell), would not hesitate, if called upon, to take the command of the Channel fleet. But the hon. Member for the West Riding was, it seemed, prepared to do more. He out-Heroded the noble Lord, for he would, he believed, not only take the command of the fleet, but he would take upon himself the distribution of the whole fleet, and leave the Admiralty nothing whatever to do. When objections were made to the stations on which our fleet were placed, it must be remembered what duties our ships were called on to perform; and as a proof that our force on distant stations was not unreasonably large, he might mention that the force of the Netherlands amounted at present to twenty-six vessels of war (three of them frigates), and mounting in all about 240 guns, employed chiefly at Batavia, Molucca, and Soura Baga—whilst we had only nineteen vessels to protect our subjects and their rights in the East Indies, China, and Australia. If pirates committed murder—if some unfortunate enthusiastic missionaries perished, or mariners were cast away on a scarcely known island—our ships were sent off at once in search of them. He was surprised to hear the hon. Member for Glasgow (Mr. Macgregor), and the hon. Member for Bridport (Mr. Mitchell), stating that the merchants of this country did not require the aid of Her Majesty's ships in the Pacific. Why, there were at that moment three revolutions along the coast of the Pacific, and they had only just received information that the Consul at Valparaiso had complimented the British commander there for taking 250 ruffians, who had seized on an American and on an English vessel, murdering the captain and owner, and several of the crew, in the most cold-blooded and barbarous manner. By the last advices, America, France, Denmark, and Sweden had each of them frigates lying at Valparaiso; and he believed that English merchants would not be safe in their lives and property if we had not vessels of war in the Pacific. The hon. Member for the West Riding, was by no means aware of the amount of service required of our ships on foreign stations; but if even he (Admiral Stewart), should hoist his flag and be sent to any one of them, he should be most happy to have the hon. Member as his guest: he would then see that a great deal more was expected from the admiral on the station than he could possibly perform. In conclusion, he begged to say he had given no factious vote against the Bill. He was not much in favour of that introduced by the noble Lord (Lord J. Russell), and, with Mercutio, he was inclined to say, "A plague on both your Bills!"

Mr. MILNER GIBSON did not deny that ships of war had rendered service to merchants occasionally, but he did not think that that service merited the unqualified praise bestowed on it by the gallant Admiral who had just sat down. It had been his (Mr. M. Gibson's) duty to call at the Foreign Office, and to ask for payment of property which had been destroyed in consequence of the interference of Her Majesty's ships. Take one instance: There was an insurrection in Para, in South America. The English merchants residing in the place remained neutral between the Government and the insurgents, and their property was respected by both parties; but the *Greyhound* sloop of war having come into the harbour, took part with the Brazilian Government. The other party seeing this, attacked and destroyed the property of the English residents; and it became his duty to ask the noble Lord the Member for Tiverton (Viscount Palmerston), who was then Foreign Secretary, for 30,000*l.*, as compensation for the damage which had been done in consequence of the interference of this unfortunate *Greyhound*. This occurred a long time since, but he believed the facts as he had stated them were substantially correct. Again, more recently, they had to apologise because the commander of the *Prometheus* had fired into a steam ship belonging to the United States, on the Mosquito coast, in consequence of some misunderstanding about tolls and duties. With regard to the particular question before the Committee, he had no objection to record his vote against pledging themselves to do anything in 1853. He was quite content to leave 1853 to take care of itself.

Sir FRANCIS BARING wished to say one word as to the conduct of the officer in the command of the *Prometheus*. He had not fired into any steam packet whatever. [Mr. M. Gibson: Well, then, into a ship.] No, nor into a ship. He quite admitted the officer had not acted very discreetly, but he had done nothing whatever which could endanger life.

Viscount PALMERSTON said, he wished also to say one word with respect to the case at Para, to which the right hon. Member (Mr. M. Gibson) had alluded. He very properly stated the affair had happened so long ago that he might not be quite correct as to the details of the transaction. But in a transaction of that sort the details were frequently an essential part of the case, and there was one link in the course of that affair which, if his memory served him right, the right hon. Gentleman had forgotten and omitted, but it was a link which was most important. It was quite true, as the right hon. Gentleman stated, that on the first occasion there was no interference with the property of our merchants, and that, as they were perfectly neutral, the insurgents respected it; but, if his memory did not very much mislead him with respect to a transaction into which he had not looked for some time past, subsequently our merchants repaired to the commander of the British cruiser and begged him to interfere in favour of the Government authorities. [*A cry of* "No!"] He was pretty certain that was the ease, that our merchants applied to the commander of the British cruiser and begged him to interfere. He did so, and that interference had been made the foundation for outrages on the part of the insurgents against the property of the merchants. All the details of the case were repeatedly submitted to the Advocate General, in connexion with the Foreign Office; and the grounds upon which he, as well as the Earl of Aberdeen, felt it his duty to decline enforcing the demand for compensation, were grounds considered by the Queen's Advocate as reasons which ought to guide the conduct of Her Majesty's Government. He would only say, generally, in confirmation of what had been stated by the hon. and gallant Member for Greenwich (Admiral Stewart), that there was not a naval station out of Europe in which our merchants were engaged in transacting their commercial affairs, from which constant applications were not made to the Government for protection. These demands were infinitely greater than it was possible for the Admiralty to comply with; and they were seldom made without some good and sufficient reason, especially upon the American stations. [An Hon. MEMBER: The North American?] No, not upon the North American; there justice was well administered as between natives and foreigners; he was speaking now of the Spanish American and Brazilian stations. There was hardly a port there at which the merchants were established, in which from time to time, either by the abuse of authority on the part of the Government, or by the abuse of power on the part of insurgents in rebellion against those Governments, exactions were not made, and injustice and spoliations committed upon our merchants which required the presence of a British ship of war, either for the purpose of protection, or for the purpose of procuring redress afterwards.

SIR GEORGE PECHELL said, there could be no doubt that protection, if that word was not excluded from the vocabulary of the House, was required for our commerce abroad, and it could not be denied that the noble Lord (Viscount Palmerston), while in office, had used his best exertions to afford it. At the same time, he must say, notwithstanding all that had fallen from the gallant Admiral (Admiral Stewart), he thought that gallant Admiral had shown that we had force enough to protect our trade on foreign stations, and also at home. We had a sufficient naval force in this country at present for any purpose that might be required. He wished to know what was required, and what the necessities for additional force. If we were to have this militia, he hoped the hon. Member for Manchester (Mr. Bright) would explain to the people what they were to expect under the Bill. Were the militiamen to be flogged? The public could not gather what they were to expect from the Bill, because other Bills were to be brought to bear on this Bill. He considered Government were going the way to create dissatisfaction in a neighbouring country, and it was impossible to predict the result. He wished to do all in his power to prevent the people from being saddled with the expense and the nuisance of this militia measure.

LORD DUDLEY STUART said, if any stranger entering the House had listened to the discussion which had taken place within the last hour, he would have thought the question was, whether the blank in this clause should be filled up with a certain number of sail of the line instead of so many militiamen. It was the opinion of the country at large that there was no necessity for this militia force. We had been unmolested now for a period of at least forty years, and repeated Governments had not thought it necessary to take any measures of defence until the late Ministry had come forward, and were followed in the same course by their successors in office. As to this particular clause, he was quite ready to follow the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) into the lobby against the number 30,000 with which it was proposed to fill up the blank; and he did not see why it should not be competent to the House to vote for 15,000 for the year 1853, leaving 15,000 to be raised in the following year, by which time he hoped the country would come to its senses, or rather would force the House to come to to its senses. He believed this militia would be ineffectual for the defence of the country when raised, while, at the same time, it would put us to much expense and annoyance.

Mr. HUME thought it would be attended with great inconvenience if they were to raise 50,000 militiamen in the next year. It appeared from the statement of the right hon. Gentleman the Home Secretary that they were now not to have either a regular or a local militia, but an army of reserve. That was a very important matter for the consideration of the Committee. The noble Lord at the head of the Government read from a paper—where he got it it would be difficult to say—that the Army in this country was but 28,344 men. All he (Mr. Hume) knew was, that the House of Commons voted 102,000 infantry alone, and 161,000, including cavalry and artillery. These men must be somewhere. So long ago as the 25th of April, 1822, the noble Lord reproached the then House of Commons with maintaining a system of representation which led to an increase of the Army. He would suggest to his right hon. Friend (Mr. M. Gibson) that he should take the sense of the Committee on the whole clause.

Mr. MILNER GIBSON having assented, blank filled up with "thirty thousand."

Mr. BRIGHT said, he thought it was better to move the proviso of which he had given notice relative to corporal punishment in the militia to the clause then under discussion, than to introduce it in a separate clause at another stage of the Bill, in order that it might be seen what was the opinion of the Committee on the subject before coming to the compulsory clauses. He would, with the permission of the Committee, state how the Mutiny Act affected persons enrolled under the Militia Act. By the 5th Clause of the Mutiny Act, persons serving in the militia were exempted from the operation of that Act, except in cases where such exemption was removed by any special clause in the Militia Act. The 25th Clause of the Mutiny Act extended that Act to persons serving in the militia, in case they were not specially exempted, except as regarded punishments affecting life or limb. In the 42nd *Geo.* III. there was a clause—the 89th, he believed—which did apply to persons training in the militia; and the 111th Clause of the Act subjected persons called out and embodied in the militia force to all the penalties of the Mutiny Act. This, then, was the operation of the law, provided this Bill passed in its present shape. As soon as any person should be put in training for twenty-one or any smaller number of days, he would under this Bill be liable to the punishment of the Mutiny Act, except as regarded life and limb; he would be subject to trial by Court-martial, and to punishment by the lash for such offences as were comprised in the terms immorality, disobedience, or neglect of duty. Having explained what was the state of the law, and how it would apply to the present Militia Bill, he asked the Committee to allow him to introduce this proviso, which would exempt all persons enrolled or embodied under the Militia Act from the operation of the Mutiny Act, as far as regarded the infliction of punishment by the lash. He felt humiliated, he confessed, that it should fall to his lot in the year 1852 to have to make such a proposition to the House of Commons, which he thought legislation ought long ago to have rendered unnecessary. If there had been one question which, more than another, had received a solution by the experiments of recent years, it appeared to him to be this—that it was not necessary for the purposes of discipline, and especially when soldiers were not on a march, but in a country where all other means of punishment were at hand, to have recourse to the cruel and degrading punishment of the lash. He would not shock the Committee by detailing the barbarous cruelties which had been perpetrated in past times by means of the lash, but he would merely say that these atrocities were defended by many distinguished men, both military and naval. A case had been known where a sentence of 2,000 lashes had been awarded, and sentences of 999 lashes, which used to stand upon the Judge Advocate's books, were not unfrequently said to be necessary to maintain the discipline of the Army. The Committee well remembered the celebrated case in 1846, in which a private of the 7th Hussars, named F. J. White, was flogged in Hounslow barracks. The punishment now was restricted to one-third the number of lashes which that cruelly-used and murdered individual received. It would no doubt be argued that death could not ensue if not more that fifty lashes were inflcted. But Dr. Erasmus Wilson, on the inquest upon the death of White, said that death from flogging was no uncommon occurrence, and that the irritation of the skin which it caused gave rise to serious internal irritation, which produced internal disease, that might result in death. The jury in White's case returned a verdict that he had died from the effects of a severe and cruel flogging, and they recorded their "horror and disgust at any law which permitted the revolting punishment of flogging upon British subjects." Universal indignation was expressed at the atrocity of this punishment—a compromise was submitted to, and an order was issued by the Commander-in-Chief that in no case should more than fifty lashes be inflicted. He should be told of the opinion of military men, that the power of giving fifty lashes could not be dispensed with. He protested against its being supposed that no one but a military man was qualified to judge whether flogging could be safely discontinued or not. He considered himself as competent as any military man to form an opinion on the subject, and he did not believe the lash was necessary. If it were necessary, it arose from the incompetency of the commander, rather than the depravity of the men. Flogging was said to be necessary when soldiers were on a march; but these soldiers would not be upon the march in the sense in which that word was generally used when soldiers were in a foreign country, and placed under circumstances where they were accustomed to the license and committed the atrocities which were recorded against the English Army in the Peninsula. The militia would be rather a police force than a military force. It was intended that they should be men of a higher character than the soldiers of the line, and that they should be taken from different classes of the community. It might be supposed that punishments which were thought necessary in 1802 were not necessary to be enforced in 1852, and that both commanders of regiments and the men doing duty under them might now be of a character which rendered such punishments undesirable in the present day. Almost any man might be brought under the infliction of this sanguinary and dreadful punishment. In the year 1830 a private in the Scotch Greys of the name of Somerville, then at Birmingham, who had since highly distinguished himself as a writer, was flogged because he had been guilty of writing letters to the press upon Parliamentary Reform. He was punished for "misbehaviour," which might mean anything that a bad or foolish commanding officer might choose it should mean. The most degraded man became more degraded and more brutalised after this punishment, and he believed that if any case should arise of the flogging of any of the militia embodied under this Bill, a feeling of indignation and disgust would be caused throughout the country that the Government should draw men from their homes by ballot and by compulsion to defend their country, and that they should then punish them in a mode against which public feeling revolted. He proposed this provision with the intention of asking the Committee that the militia force they intended to raise should under no circumstances be liable to the punishment of the lash. The Duke of Wellington, when he proposed that fifty lashes should be the highest number inflicted, expressed the hope that he would live to see the punishment of flogging entirely abolished. He (Mr. Bright) hoped he would live to see that day, and he believed that one of the most effectual steps towards the accomplishment of that object would be the adoption of the course he now recommended. The Bill before the Committee he regarded as wholly unnecessary, and, if he had wanted to add to its popularity, he should not have moved this proviso. But he was not taking the present course to render the Bill more obnoxious to the public. He brought forward the proposition because the present was a case where the question came properly before them. He had a conviction that the punishment was as unmanly as unnecessary, and this being a case where it could be done away without affecting the regular service, he thought he was fully at liberty to ask that the Committee should relieve those 80,000 men whom they intended to raise as a militia from the ignominy and degradation inseparable from corporal punishment.

COLONEL THOMPSON seconded the Amendment.

Amendment proposed, to add at the end of the Clause the following Proviso:—

> "Provided also, That notwithstanding the said first recited Act, or any other Act, no punishment of any Officer, Non-commissioned Officer, Drummer, or Private Man of the Militia, shall extend to flogging or other corporal punishment."

MR. BERESFORD said, he completely coincided with the hon. Member for Manchester in one observation. He hoped and trusted that he himself might live to see the day when corporal punishment would be entirely done away in the British Army.

He did not say this in consequence of what the hon. Member had now advanced, for when he addressed the House last Tuesday on the Bill, he stated that during the time that he was in the Army there never was a duty so painful to his feelings as that connected with corporal punishment. He also stated that he thought there was a greater likelihood of raising recruits for the militia, because flogging in the Army had almost entirely ceased. But still he was not prepared to say that the time had arrived when they could attempt to have a body of men with arms in their hands, without any coercive power to govern them. With respect to flogging in the British Army, he found by an official return which he had that day obtained, that during the last year the total number of punishments of the kind, for the whole British Army at home and abroad, had been but 197. The British Army consisted of 148 regiments and battalions, so that the number of punishments was in the proportion of four to every three regiments and battalions, or about four individuals to every 3,000 men. The small amount of corporal punishment inflicted, arose, he believed, from the circumstance of the governing power of the Army being more paternal in its character, as well as of the superior class of men now in the British Army. If they applied the same rules and numerical proportions to the 80,000 militia, who were to be called out for twenty-one days, it would be found that the number who probably might undergo punishment could not amount to more than four or five men; so, that after all this noise and agitation about applying the lash to Englishmen, it appeared that not more than four or five out of 80,000 militia would be subjected to it, judging by what had taken place in the regular Army. Those who said the lash should not be inflicted on the militia, told them, at the same time, that that force would be composed of the scum of society; and yet they would leave an armed force, whom they denominated vagabonds, without any effective law, such as that by which the British Army was controlled. If they proclaimed that the militia were not to be placed under the mutiny law, the whole regular Army would feel itself insulted; and he maintained that it was neither common sense nor good legislation to enact one law for one description of military force, and a different law for another. It was preposterous to have the Mutiny Bill for the Army, and not have it in the case of a force which they raised for the protection of their homes.

Mr. BRIGHT explained, that his proviso only referred to the subject of flogging, and did not propose to remove the militia from the operation of the Mutiny Act.

Mr. BERESFORD considered that if the punishments enjoined in the Mutiny Act were taken out, it would no longer remain the Mutiny Act, but would become perfectly useless. The hon. Gentleman said, cases of immorality and neglect of duty might be punished by the lash; but of late years the lash had been inflicted only for mutiny and serious and disgraceful offences. He also spoke of the lash being inflicted by officers merely because they had irascible tempers. But the hon. Member who knew so much about military affairs and the Army appeared not to be aware of the fact, that no man could receive a single lash except under the sentence of a Court-martial composed of officers acting upon their oaths. The temper or conduct of the commanding officer had nothing whatever to do with the punishment. All that he could do was to bring the man before a Court-martial for trial and punishment. With respect to the case of White, who the hon. Member stated had been murdered, the facts were, that it was not till after his partial recovery that he died; and the opinions of two medical officers, specially sent down by the Horse Guards previous to his death, was most distinct to the effect that the man did not die from corporal punishment but from a disease inherent in him. The hon. Member also stated that whenever cases of corporal punishment occurred, they arose from the incompetence or bad conduct of the officers. From this opinion of the hon. Member he (Mr. Beresford) appealed to the experience of one of the friends of the hon. Member, the hon. and gallant Member for Westminster (Sir De L.Evans), several cases of flogging having occurred in the army under his command in Spain; and he felt certain that that hon. and gallant Member was far too humane and too honourable a man to sanction the infliction of any such punishment if he had not considered it absolutely necessary to have done so. He did not consider that the hon. Member (Mr. Bright) had made a sufficiently strong case for putting the militia upon a different or more favoured footing than that of the regular Army, and should, therefore, oppose his Motion. In conclusion, he would say, that if this militia force was embodied, he believed the punishment of the lash would be inflicted as seldom as it was in the British Army, and he had shown how rarely that punishment had been resorted to of late.

Mr. TORRENS M'CULLAGH said, in Ireland there was a force which had been frequently alluded to in those discussions as a model of good training and discipline. The Irish constabulary force mustered about 12,000 men, and the significant fact that that force, which was not subject to corporal punishment, had never been found wanting in discipline or bravery, ought to weigh with the Committee in its decision on this question. The hon. and learned Solicitor General for Ireland, in a speech which he delivered a few evenings ago, spoke of the number of threatened invasions of the Irish coast, and enumerated three occasions in particular on which the coast was menaced by a French squadron; but he forgot to mention that on the only occasion when the French effected a landing, the militia force which was sent against them turned tail and ran away. What would be the use of having corporal punishments when the militia was not to be embodied, but merely to be called out for training?

Mr. LENNARD said, he regretted that the right hon. Secretary at War had offered any defence to a mode of punishment which was universally looked upon by all classes with feelings of disgust and terror. It should be recollected that the punishment inflicted on the unfortunate man White was three times greater than the maximum punishment allowed by the present law under any circumstances. He was glad to hear the right hon. Member confirm what had often been foretold—that the character of military men had been greatly improved since the mitigation of corporal punishment; and he would go the length of saying that a respectable class of men would never be obtained by voluntary enlistment while this degrading infliction was continued. It would no doubt be inconsistent to abolish the lash in the militia while it was maintained in the regular Army; but he met the difficulty by suggesting the removal of the punishment altogether. No person with a proper feeling of self-respect would enter a body where so detestable and degrading a punishment was in force. The effect would be to drive the Government to a ballot, and then they would have a militia composed principally of persons of a superior class in life, who were indisposed to enter the service, and unwilling to abide by its regulations. The infliction of flogging would therefore be inapplicable, and defeat its own purpose. He hoped he would not shock the high spirit and chivalry of military gentlemen, in saying that it was unfair to exempt officers from a punishment which was applicable to the ranks. In no other instance, in his recollection, were the upper classes relieved from penalties to which people in a lower rank of life were subjected. Corporal punishment was not only barbarous but impolitic, because the fear of it would not repress soldiers from being guilty of misconduct, while it would tend to undermine their confidence and respect in those under whose authority they were placed.

Captain BOLDERO said, no man formerly took a more active part against corporal punishment than himself. His feelings were thoroughly enlisted, and though brought up in the army, he boldly stood up against the system. The hon. Member for Manchester had stated that there was a large number of offences which still subjected the soldier to this punishment. He enumerated several; but, in point of fact, he was in great error; there were only two offences for which a soldier could be flogged.

Mr. BRIGHT said, the hon. and gallant Member had misunderstood him. He read the exact words of the Act, from which it appeared that immorality, misbehaviour, and neglect of duty, were the offences for which flogging was to be applied; but, with regard to other portions of the Mutiny Act, he thought there were some scores, if not a hundred, offences for which the soldier might be punished. He had the highest authority for saying that, but he could not give the name.

Captain BOLDERO said, the hon. Gentleman stated that there were a hundred offences for which a soldier could be punished; but he (Captain Boldero) repeated, that there were only two for which he could be flogged. This would always happen when hon. Gentlemen made speeches on subjects of which they knew little or nothing. An hon. Member (Mr. T. M'Cullagh) had drawn a comparison between the proposed militia and the Irish constabulary. If they could afford to place the soldier exactly on the same footing as the Irish constabulary, flogging might easily be abolished; but a soldier receiving a shilling a day was not the same kind of man, in moral character, in education, or in disposition, as the policeman who received 18*s*. a week. Give the soldier three shillings a day, and he had no doubt whatever but that flogging might be abolished in the Army. There was nothing in his life which he reflected upon with greater satisfaction than the fact that for five successive Sessions he either proposed, or seconded, Motions for the abolition or mitigation of corporal punishment in the Army. After all his efforts he found the minority, of which he was one, was not making much headway; but, suddenly and unexpectedly, that great man, the Commander-in-Chief, issued a mandate which deprived Courts-martial of the powers which they then possessed. That was, he supposed, what the hon. Member called the compromise between the House of Commons and the Horse Guards. He (Captain Boldero) had accepted that compromise, and so had the House of Commons, and since then both the press and the public had been silent on the subject. It was probable that regulars and militia might be in garrison together; and would hon. Members think it fair that one branch of the public force should be liable to a punishment from which the other was exempt? The yeomanry also, which were strictly a volunteer corps, were subject to the provisions of the Mutiny Act.

MR. ROEBUCK said, he was rather astonished at the speech of the hon. and gallant Gentleman. [Captain BOLDERO: I don't care if you are.] The boldness of that declaration does not remove my astonishment. The hon. and gallant Gentleman has been for years advocating the abolition of flogging in the Army. [Captain BOLDERO: I said abolition or mitigation.] Mitigation! What does that mean? It means that the thing is to be retained, and the infliction of the punishment made as unfrequent as possible. Flogging, then, was to be retained, and to be inflicted on the militia, who were to be invited voluntarily to enlist! The hon. and gallant Gentleman had been labouring to exempt the regular troops from the punishment, and not having succeeded, sought to subject the militia to it. He (Mr. Roebuck) contended that the militia were not a force which required such a punishment at all. Were honest and respectable men wanted in the force? If so, ought they to be liable to the degradation of flogging? Could any but the rabble and refuse be expected—if they were to be liable to the punishment? The voluntary enlistment would not succeed on such a system, and the ballot would never be endured. The people would not bear such a punishment: and any attempt to maintain the militia by such means of brute force would fail. The punishment of the stripes—that infernal punishment—[*A laugh*]—I am surprised that in an assembly of English Gentlemen a laugh and a sneer should be elicited by an allusion to the punishment of stripes, and that the right hon. Secretary of War should set the example. [Mr. BERESFORD: I beg the hon. and learned Member's pardon.] I beg the right hon. Gentleman's pardon. I believe it was the right hon. Gentleman the Clerk of the Ordnance, who sits next him. [Col. DUNNE: I beg to say I laughed, but not at the punishment of stripes.] Only at the mention of it, I suppose. I can only say that I am surprised that in an assembly of Gentlemen this should be matter for laughter. If hon. Gentlemen wished to raise a useful body of men for the defence of the country, let them appeal to their patriotism and not to their fear. He did not wish for the enrolment of a militia; but if there was to be such a body, he intreated hon. Gentlemen to create such a body as would command the respect and affection of the whole people.

VISCOUNT JOCELYN said, he did not rise to defend or to discuss the punishment of flogging. He had long deemed it one which ought only to be inflicted for degrading offences, and he believed it was only now applied to such offences by officers in the Army. He was persuaded that no more painful duty could be performed by any officer than that of sitting on a Court-martial which might might find it its duty to sentence a soldier to this punishment. This was not, however, the fitting time or occasion to discuss that question. When that time and occasion arrived, he should be ready to unite his voice with those who held flogging not a punishment to be inflicted in time of peace. But he begged to point out the imprudence and injustice of exempting the militia from all liability to the punishment to which the regular troops were in some cases subject. Now, let it be recollected, that the regulars and the militia might be cantoned in the same quarters; and would it be just that a soldier committing a certain offence should be sentenced to the punishment of flogging, and a militiaman who committed the same offence be exempted from it? Surely such a course would excite the greatest jealousy between the two forces, and prove destructive to the efficiency of both. It was true that the Irish constabulary were not liable to the punishment; but their pay was so far superior to that of the Army, that fear of dismissal was in itself sufficient to deter from crime. If this were so in the Army, corporal punishment could be dispensed with; of course, as it was, it must be retained—at least in time of war, or for degrading offences.

Mr. W. WILLIAMS said, it was impossible to subject a militia which was only enrolled for the space of twenty-one days to the same discipline which was exercised over regular troops. If they attempted this they would have that occurring which occurred during the last embodiment of this force, when a regiment of militia, quartered in the Isle of Ely, turned out and refused to allow punishments to be inflicted among them; and it was only by the aid of the sabres of a body of German cavalry that the officers were able to carry them out. He thought that this provision was one of all others most calculated to render this force unpopular in the country, and he should therefore vote for the proviso of the hon. Member for Manchester.

Mr. CLAY said, that there were two answers to the question which had been put several times in the course of the debate—whether Parliament was prepared to make a distinction between the militiaman and the regular soldier in this particular? One was to subject both to, and the other to except both equally from, this degrading punishment. As he was in favour of the latter proposition, he should certainly vote for the Amendment.

Colonel SALWEY said, he was glad once more to have the opportunity of lifting his voice against the humiliating, degrading, and inhuman punishment of flogging in the Army. He had for many years taken the deepest interest in the questions of enlistment and punishment in the Army, and considered there was nothing so degrading in the profession to which he had the honour to belong as the degrading punishment to which soldiers were subjected. He could not help feeling the utmost surprise at the course taken by the hon. and gallant Member for Chippenham (Captain Boldero). For many years it had been his pride and satisfaction to follow and support the hon. and gallant Member in his exertions for the abolition of this punishment. The hon. and gallant Gentleman afterwards became Clerk to the Ordnance under Sir Robert Peel's Government. Was it to be supposed that that circumstance induced him to relinquish the course he had formerly pursued? The other night the hon. and gallant Member thought fit to lecture the Gentlemen of the Manchester school. He trusted the hon. and gallant Gentleman would now come to his senses, and give his vote in favour of the abolition of corporal punishment. He regretted that it had been the practice in the regiment with which he was connected for the commanding officer to express an opinion to the Courts-martial as to the punishment which should be inflicted. He would not now distress the Committee by entering into any details of the disgusting exhibitions which sometimes took place, but would merely say that he had seen both officers and men carried out in a fainting state from the square where such punishments had been inflicted.

Colonel PENNANT, having been for many years in the same brigade as the hon. and gallant Gentleman who had just spoken, and having acted as adjutant of a regiment, begged to say that he never remembered an instance of a commanding officer who expressed a wish to the members of a Court-martial on the subject of the punishment to be inflicted. The community and the civilian profited most by the strict discipline preserved in the Army. He did not agree that corporal punishment had a humiliating effect on soldiers. He did not believe there was any humiliating feeling in their minds on the subject; and for this reason, that the good and well-conducted soldier had no fear of it, and the bad one knew it was only inflicted as the last resort.

Colonel KNOX could add his testimony to that of the hon. and gallant Officer (Colonel Pennant), with regard to the independence of members of Courts-martial; and he was surprised that the hon. and gallant Member for Ludlow (Colonel Salwey) should make such an accusation against the service. He had served in the same brigade as those hon. and gallant Members, and he never knew a commanding officer attempt to bias the sentence of a Court-martial. He confidently denied the assertion of the hon. and gallant Member for Ludlow. He disapproved of the suggestion of the noble Lord the Member for King's Lynn (Viscount Jocelyn) that there should be one rule with regard to punishment in time of war, and another in time of peace. If discipline was to be kept up, there must be one rule which was always to prevail. He agreed with the hon. and gallant Member for Carnarvonshire (Colonel Pennant) in his belief that the Army did not view corporal punishment with abhorrence, because, as he justly said, the good soldier did not fear it, and it was the only thing which could bring the bad one into a state of discipline and order; and, as the Gentlemen of the Manchester school told them that there would be only vagabonds and rogues in the militia, it would not be possible to do away with the Mutiny Act as applied to the militia. If it was done away with, it would be a disorganised force, which would be a disgrace and a curse to the country.

Colonel SALWEY said, the hon. and gallant Member for Marlow (Colonel Knox) might not have heard of such cases, but he (Colonel Salwey) had. He knew, however, that such cases had occurred, and they had produced a most painful impression on his mind.

Colonel CHATTERTON: Sir, I beg to assure the Committee no person present, either civil or military, views with feelings of greater disgust and abhorrence the cruel, degrading, and inhuman punishment of corporal punishment than I do, and happily, I say, almost fallen into disuse in the Army. In the regiment I have had so many years the honour to command, it was never resorted to except in such extreme cases where every other means and every exertion had been tried to reclaim the delinquent, and not even then practised but for crime that in every other military service in Europe would be punished with death. But, Sir, notwithstanding the detestation in which I hold it, I am convinced it is essentially necessary, for the preservation of discipline, to hold it *in terrorem* over the soldier, and therefore I should much regret if the power of inflicting it was removed from our military code; and I really cannot see any reason, nor have I heard any argument to convince me, why the militia should not be under the same provisions of the Mutiny Act as the regular Army, and the embodied yeomanry. It is quite an error to imagine the good, well-conducted soldier fears this punishment; such apprehensions are only confined to the delinquents and evil-minded men. Having heard nothing to convince me that my opinions are erroneous, I shall decidedly oppose any alteration being made in the clause now under discussion.

Mr. WAKLEY said, that both the hon. and gallant Members for Carnarvonshire and Marlow had stated that corporal punishment was not humiliating and not degrading—

Colonel PENNANT: What I said was, that I did not believe it was considered a humiliating punishment, because the good soldier had no fear of being subject to the lash.

Mr. WAKLEY: Then the observation applied only to the bad soldier, and to him the hon. and gallant Member thought it would not be humiliating and degrading, and that it was well adapted to promote discipline. He (Mr. Wakley) wanted to know why the same punishment was not applied to bad officers. If the lash was the readiest means of preventing bad conduct in a man, why not include bad officers in precisely the same discipline? [" Oh, oh! "] They felt the lash now. It appeared to him extraordinary that there could be two opinions on the subject. He was astonished that the right hon. Gentleman the Home Secretary, notwithstanding what he heard in that debate, preserved so peculiar and ominous a silence. He hoped the right hon. Gentleman was now disapproving of the thing he had proposed, and had yielded to the pressure that had been put upon him. It was not necessary to use arguments to prove the degrading character of corporal punishment. The history of the Army furnished indisputable proofs of the propriety of the conduct of those who were opposed to it. Facts were more eloquent than anything that the tongue could utter on this subject. They had it from the best authority that the character of the Army had improved since that odious practice had almost fallen into desuetude. The right hon. Gentleman the Secretary at War had spoken with great candour on the subject, and it was evident his convictions were with those who were opposed to it, although he expressed a wish to retain the practice. He (Mr. Wakley) did not know what had come over the spirit of the hon. and gallant Member for Chippenham (Capt. Boldero), for he used to speak on this subject with a sincerity and a feeling that could not be doubted. But it was when he was on that (the Opposition) side of the House. Confound the atmosphere of that (the Ministerial) side! Dr. Reid's attention ought to be called to it, for there must be something wrong in its ventilation. It was asserted that flogging was only applicable to two offences. He would read the 25th section of the Mutiny Act. It was there stated that—

> "A Court-martial shall have power to inflict corporal punishment for disgraceful conduct and neglect of duty, provided the number of fifty lashes is not exceeded."

What was that disgraceful conduct? It consisted in—

> "His wilfully maiming or injuring himself, or any other soldier, at the instance of such soldier, with the intent to render himself, or such soldier, unfit for service. In tampering with his eyes. In malingering, feigning disease, absenting himself from hospital whilst under medical care, or other gross violation of the rules of any hospital, thereby wilfully producing or aggravating disease or infirmity, or wilfully delaying his cure."

So that if a man went into the air contrary to orders, he was liable to this punishment. Again—

> "In purloining or selling Government stores: in stealing any money or goods, the property of a comrade, of a military officer, or of any military or regimental mess: in producing false or fraudulent accounts or returns: in embezzling or fraudlently misapplying public money entrusted to him: or in committing any petty offence of a felonious or fraudulent nature, to the injury of or with intent to injure any person, civil or military: or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind."

He (Mr. Wakley) should say that, under those words, there were 500 offences which would subject a soldier to the punishment of flogging. Let it be remembered that the question was whether flogging was necessary for the discipline of the Army. When the proposition was first made in that House to abolish that punishment, it was not admitted that the number of lashes could be reduced without danger, and it was contended that unless Courts-martial had the power of flogging to any extent, discipline could not be maintained. Now, look at the changes that had been made. There had been instances of 1,500 lashes being inflicted, and there had been one instance in which 2,000 had been given, not at one time certainly, but under one sentence. Leaving out of the question the danger to human life by such a mutilation of the body, he asked what would hon. Members think of the effect on the mind of a man subjected to such a punishment? He must become a brokenhearted man, and could never again hold up his head in society, or ever hope to remain in his former position. However good his former conduct might have been, the stigma must go with him to his grave. The effects of the diminution of the punishment of flogging in the Army had so far been admirable; and he thought the Government would act wisely and gracefully if they availed themselves of this opportunity to abolish that vile and infamous system altogether. If they withheld the lash from the militia, it would be impossible to continue it much longer in the Army. He knew that there was no intention to endanger human life by this punishment, but he would state unequivocally and broadly as a medical man, that it was not possible to mutilate the skin even by fifty lashes without endangering life. Several cases had occurred of death arising from the slight puncture caused by vaccination; but that was a very different case from the laceration inflicted by nine torturing thongs with eight or nine knots on each of them. It was said that the militia men raised under this Act would generally be respectable men. If that were so, let the Committee take care what it was about to do. The Army had their minds and feelings familiar with this description of punishment; but consider the case of a man who came from a rural village, and went back to it from the militia as a flogged man. Why, the prospects of that man would be ruined for life. It appeared to him (Mr. Wakley) that a great opportunity was afforded to them on that occasion of getting rid of the practice of flogging altogether. He hoped that the Government would take advantage of it; but if they should not, as certainly as they forced that measure through the House, so certainly would they prepare for themselves a lash which would inflict upon them continual torture.

Mr. EWART said, that it had been proved by experience that the diminution of punishment in the Army had been accompanied by a diminution of crime, and it might therefore be hoped that a still further diminution of the former would be followed by a continued diminution of the latter. Some hon. Members had argued that corporal punishment was necessary, by way of example. Why, the same argument had been used for the retention of the pillory, and various other punishments. The House had been told by the noble Lord the Member for Lynn (Viscount Jocelyn) that the degrading punishment of flogging was only inflicted for degrading offences. But he (Mr. Ewart) had before him the evidence which was given before a jury in the case of White, at Kensington, in 1846, which showed that for the offence of insolence to his sergeant in answering

"Heigho!" when the latter called him, a young man named Matthewson, belonging to the same regiment with White (the 7th Hussars), was sentenced to receive 100 lashes. It was said that the good soldier need not fear the lash, but the same might be said of any punishment. He was quite sure that the country would give its verdict on this question, and that that verdict would not be in favour of the continuance of so degrading a punishment.

Viscount JOCELYN wished to make but a single remark as to the case referred to by the hon. Member for Dumfries (Mr. Ewart). The evidence quoted by the hon. Gentleman was given by the party principally interested—the person himself whose conduct had given rise to the proceedings in question. It would be evidently unfair for the Committee to form any opinion on the question from a partial statement, and without having the statements on the other side before them.

Mr. EWART said, he had only read the man's statement as what it professed to be, and it was of course to be taken for what it was worth; but he was not aware, from his recollection of the case, that it had been contradicted on any material point.

Colonel PEEL said, if the hon. Member had read the whole of the evidence, he must know as well as possible that that was not the crime for which the man was published, and the hon. Member knew it as well as he did. It was quite untrue as a representation of the facts.

Sir WILLIAM VERNER said, that having seen considerable service, he was satisfied that if they deprived commanding officers of the power of inflicting corporal punishment, they would never be able to maintain discipline in the Army.

Mr. EWART had understood the gallant Officer (Col. Peel) to say that the statement he had read was untrue. [*Cries of* "No, no!"] He certainly understood the hon. and gallant Member to say so. He understood the hon. and gallant Member—and it was not his own conviction alone—to say that what he had read was untrue, and that he (Mr. Ewart) knew it as well as the hon. and gallant Member. He was sure that if the hon. and gallant Member said so, he would at once retract his statement. Otherwise he (Mr. Ewart) would be obliged to tell him the truth upon the subject.

The CHAIRMAN: I am sure the Committee will join with me in thinking that the discussion is assuming a tone which ought not to be continued.

Colonel PEEL said, the statement the hon. Member for Dumfries had read was perfectly true as to the evidence given, not before the Court-martial, but at a Coroner's inquest. [Mr. Ewart: I know that.] The whole subject was fully discussed at the time in that House, and the hon. Gentleman must be aware that the offence he had mentioned was not that for which the man was punished. Surely the hon. Gentleman would not say that he had never read the debate which took place upon the subject; and he must be perfectly well aware it was distinctly proved that the man was not flogged for the crime he had stated.

Mr. MILNER GIBSON thought the hon. and gallant Member (Col. Peel) was labouring under some misapprehension, and that there was a confusion between two cases. The hon. and gallant Member seemed to suppose that his hon. Friend the Member for Dumfries (Mr. Ewart) was speaking of White's case. [Col. Peel: Not a bit.] Then he (Mr. Gibson) did not understand the matter. His hon. Friend (Mr. Ewart) had told them that a person had stated on oath before a jury that, for certain conduct, he had undergone the infliction of 100 lashes; and if the hon. and gallant Member, or any other hon. Member could show that that statement was not true, of course, they were at liberty to do so.

Colonel SIBTHORP was satisfied that there was no more honourable court than a Court-martial; and he would therefore feel it his duty, whether the course he took might be unpopular or not, to vote against the Motion of the hon. Member for Manchester (Mr. Bright). He only hoped that if the hon. Member for Manchester should ever find himself in the militia, he might be summoned before a Court-martial of which he (Col. Sibthorp) should be president.

Colonel THOMPSON said, ever since he had a seat in that House, he had omitted no opportunity of stating his conviction that the practice of corporal punishment was in reality a great bane and injury to the discipline of the Army; and the ground on which his opinion rested, was, that the discipline built on this foundation failed when the Army came before an enemy. He appealed to officers who had been in a situation to judge, whether that was not the fact. The universal cry in the Army then was, "You cannot be flogging men before the enemy." A system of discipline which failed when it was most needed, he thought was evidently bad. Was it not also a lamentable fact, that they should have a Mutiny Act which was not applicable to the cases to which they wanted to apply it? There was no man, be his station what it might, that was certain that, under certain possible circumstances, his sons might not be subjected to military law. He did not at all mean to deny, that under certain imaginable circumstances, all or any classes of the community might be called to turn out and serve, and must in consequence be subjected to military law; but that was a reason why the military law should be a good one, and not why it should be bad. He must, therefore, give his support to anything which went to improve the military law. There was another light in which he could not help viewing this subject. He wished to impress upon the Government, and especially upon the right hon. Gentleman the Secretary of State for the Home Department, who had acted so conciliatory a part on this question, that three-fourths of the popular objection to this Bill was grounded on the apprehension that men compulsorily taken by the ballot would be subjected to corporal punishment. He had, perhaps, more opportunities than the right hon. Gentleman of communicating with the working classes, and he could assure him that this was what in popular parlance was the "hitch," on which the opposition of the public was grounded. If the right hon. Gentleman would frankly consent to leave the ballot to be decided on by the new Parliament, he would see whether it had not the effect of quashing three-fourths of the opposition to his Bill.

Mr. HUME would appeal to some Member of the Cabinet to state his opinion, and that of the Government, on a question of so much importance as that under discussion.

Mr. WALPOLE said, that he could assure the Committee that he had not refrained from expressing his opinion upon the question under discussion from any disinclination to do so, but because he thought that this particular point was one which lay not so much in his province as in that of his right hon. Friend the Secretary at War. If, however, his opinion was asked, he was quite ready to state it. He thought it was clear that during this debate hon. Members had been arguing the general question of the policy of corporal punishment being inflicted upon those engaged in military service. On the question whether it was or was not advisable, as a general rule, to do away with corporal punishment, he should refrain from expressing his opinion, partly from partial ignorance upon the subject; but also because that House having passed the Mutiny Act, which rendered soldiers in the Army liable to corporal punishment, the only question for them to decide was whether those who were to be enlisted in the militia should be placed on a different and better footing than the regular Army. Now, the observations of his hon. and gallant Friend opposite had put that in so strong a light that he did not think (whatever the House might do) that the Committee would assent to the proviso of the hon. Member for Manchester. For, suppose some of the militia force were placed in garrison with troops of the regular Army—the latter would feel it a degradation that they should be subjected to corporal punishment, if that was not also inflicted upon the militia. If the Committee wished to determine this question with reference to the militia, they must determine it with reference to all the forces, whatever they might be; and supposing that hereafter they should enter upon the general question, and decide that corporal punishment should not be inflicted in the Army, then he should agree that it should not be extended to the militia. But so long as it was retained in the Army, and thought necessary for the discipline of that part of our forces, he thought they were bound to apply it to the militia.

Mr. HUME was quite willing to allow those who enlisted in the militia voluntarily to remain liable to corporal punishment so long as that was applied to the Army generally; but he thought that this punishment should not be inflicted upon those who were compelled by the ballot to serve in the militia.

Mr. BRIGHT said, that the right hon. Gentleman the Secretary for the Home Department should bear in mind that the Mutiny Act contained a clause which expressly stated that its provisions were not in any case to be applied to the militia, unless the Act raising that force should specially place it under the provisions of the Mutiny Act. The principle was therefore admitted that there was a difference between the forces for which the Mutiny Act was passed, and those which were to be raised under that Bill. And, further than that, the right hon. Gentleman would find that the clause in the present Bill which referred to the Act 42 *Geo.* III., carried this distinction to a certain length, inasmuch as it only placed the militia under the Mutiny Act, with an exception as regarded life and limb. All he proposed was, that to these they should add the further exception of flogging. The principle of the distinction between the forces being already admitted by these two Acts, he asked the Committee to extend it to corporal punishment on behalf of 80,000 men, many, and it might be most, of whom would be called compulsorily from their homes and occupations. If they refused to admit the proviso that he had offered to them under these circumstances, they would not be acting in accordance with the principle which was involved in the distinction he had drawn; nor would they be acting fairly with regard to those whom they compelled to come into their service; and he believed they would outrage most seriously, and almost universally, the sentiments of the population of the United Kingdom.

Question put, "That this proviso be there added."

The Committee *divided*:—Ayes 92; Noes 199: Majority 107.

House resumed; Committee report progress.

PROPERTY TAX BILL.

Order for Committee read.

Mr. HUME said, he must complain of the want of time for considering this measure, and said that he would move that the House do now adjourn.

The CHANCELLOR of the EXCHEQUER said, that although the hon. Member was unwilling to proceed with this Bill, that was no reason why they should adjourn the House; because there was other business to come on afterwards. At the same time he (the Chancellor of the Exchequer) would not have moved a stage of the Bill that night if he had understood that there would be the slightest opposition. No person could be compromised in allowing the Bill to pass, because it had been introduced provisionally, and accepted by the House provisionally, and he had understood that hon. Members would give every facility for the carrying of it. The hon. Gentleman had said he could not assent to the measure proceeding, unless he had a distinct understanding from Her Majesty's Government that they would undertake to carry out the policy of free trade. That was a very extraordinary condition for the hon. Gentleman to impose. He hoped that the Bill would be permitted to go into Committee, to enable him the (Chancellor of the Exchequer) to move that the assessments for Schedules A and B remain the same as they now are for the current year.

Mr. HUME withdrew his Motion.

House in Committee.

The CHANCELLOR of the EXCHEQUER then submitted a new clause providing that the assessments of the last year in the case of Schedules A and B be allowed to remain in force for the present year, so that there should be no new assessment.

Mr. BRIGHT said, he understood the proposition in fact to amount to the same as if the Bill had last time been renewed for two years instead of one.

The CHANCELLOR of the EXCHEQUER: Yes.

Clause *agreed to.*

House resumed:—Committee report progress.

COUNTY ELECTIONS BILL.

Order for First Reading read.

Sir EDWARD BUXTON moved that this Bill be read a First Time.

Motion made and Question proposed, "That the Bill be now read the First Time."

Mr. ROEBUCK moved the adjournment of the House. His objection was to having a Bill of that kind discussed at that hour of the night [ten minutes before One o'clock].

Mr. COBDEN seconded the Motion for adjournment. This Bill had been introduced under peculiar circumstances. He thought he should be neglecting his duty to the electors of the West Riding if he did not oppose this Bill, which he considered as gross an insult as had ever been offered to the large county constituencies of this country. It said to them that once in seven years they should have half-a-crown given to them at an election. In a word, it was an offer to pauperise the freeholders of the country; and he was only astonished that an hon. Gentleman who was standing as a candidate for South Essex on the Liberal interest, should be found introducing a measure authorising corruption. He (Mr. Cobden) would ask if any man thought the refreshment to the county elector would be limited to the half-a-crown ticket? No; the men who had a large balance at their bankers would be found giving their supporters champagne, venison, and turtle to dinner. He repeated, he was astonished at the quarter from whence such a measure had come; and he hoped the hon. Gentleman (Sir E. Buxton) would rise in his place and express his shame and regret for having asked leave of the House to introduce such a Bill.

Motion made, and Question proposed, "That this House do now adjourn."

Viscount GALWAY said, the hon. Member (Mr. Cobden) had really almost perverted the facts having reference to this matter. The Bill was merely to prevent lavish expenditure at county elections, and, so far from giving occasion for bribery, he firmly believed it would tend to prevent it. To believe the contrary, could only enter into the head of the hon. Member for the West Riding. It was but proper that persons coming from a distance to vote should have some refreshment; and if that refreshment was limited to half-a-crown a piece, no great expenditure would be incurred in that way.

Mr. ROEBUCK said, it was stated that those persons ought to receive something for coming from a distance to vote. The question was—did they perform a public duty, or did they not? If they performed a public duty, let the public pay for it. If this Bill were carried, he would propose that the expense that might be incurred under it should be put upon the county rates, instead of being borne by candidates.

Mr. W. BROWN was convinced that the effect of this Bill would be to legalise bribery, and he must protest against a measure which would have a tendency to corrupt a large body of the electors throughout the Kingdom.

Mr. KER SEYMER said, at present no county Member's seat was safe. He believed, if the machinery of an election was conducted by a committee, and if any member of that committee happened to give to any of his own tenants or labourers refreshment at that election, the Member's seat, by that act of ordinary kindness, might afterwards be rendered vacant. He thought that was a state of things deserving the consideration of the House.

Lord ROBERT GROSVENOR said, the effect of the Bill could be to stop litigation, and lessen the general expenses of elections.

Sir JOHN TYRELL said, he had had some experience in contested elections, and he thought there should be a clear understanding about giving refreshments. The last time he stood for Essex there was a serious opinion among the Liberal party that he and his Colleague should be unhorsed, because of this refreshment, which had been arranged with the opposite committee. It would be desirable if the House decided the question. He (Sir J. Tyrell) had no experience of a dry election; and he was afraid, although the Bill came from the Liberal party—["No, no!"]—he always thought the hon. Member was a Member of the Liberal party. The Bill laid down a self-paying principle, and the Manchester school always looked to that point. As a matter of self-interest, he (Sir J. Tyrell) might support the Bill; but he did it, besides, because human nature was unchanged. The hon. Member who introduced the Bill should, above all others, be the last to countenance a dry election.

Sir EDWARD BUXTON said, that one of his reasons for bringing in this Bill was, that according to the present system no man could positively declare that his election had been conducted in a perfectly pure way, owing to the number of those who acted as his agents, and for whose acts he was responsible. He believed it to be the fact that in the West Riding there had always been an agreement between the parties; these refreshment tickets had been issued, and this had been done illegally which he desired to do legally. The same practice, he understood, prevailed in Lancashire, and there were very few counties where contests took place in which agreements of this kind were not come to. The necessity for these agreements arose from the impossibility of keeping so many persons in different parts of the country within the law, for, if a member of an election committee saw a tenant or labourer of his after the election, and gave him a glass of ale, agency might be proved, and the candidate be unseated. The poorer class of freeholders in many cases refused to come to the poll unless they were allowed some refreshment. He did not think it reasonable that the same punishment should be inflicted upon the candidate who gave a famished freeholder a glass of ale and a bit of bread and cheese, and the man who gave 20*l.* to every voter.

Mr. W. WILLIAMS said, he knew a

borough where the influence of the half-crown was all powerful. A candidate who had refused to give it was denounced in the most unmeasured terms of vituperation. To pass such a Bill as that before the House, would be to sanction direct bribery.

MR. BOOKER begged to offer his thanks to the hon. Baronet for the Bill. His constituency, many thousands in number, had to come from a distant mountainous country, and it would be cruelty to prevent them from obtaining refreshments. There would be no purity of election until Members made a solemn declaration to that effect at the bar of the House.

Motion, by leave, *withdrawn.*

Main Question put.

The House *divided:*—Ayes 61; Noes 77: Majority 16.

List of the AYES.

Adderley, C. B.
Archdall, Capt. M.
Bagge, W.
Baird, J.
Baldock, E. H.
Bateson, T.
Bennet, P.
Beresford, rt. hon. W.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Broadwood, H.
Christopher, rt. hon. R.
Christy, S.
Cobbold, J. C.
Codrington, Sir W.
Cotton, hon. W. H. S.
Dawson, hon. T. V.
Dodd, G.
Egerton, Sir P.
Egerton, W. T.
Farrer, J.
Fellowes, E.
Forbes, W.
Forester, rt. hon. Col.
Frewen, C. H.
Galway, Visct.
Granby, Marq. of
Gwyn, H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Henley, rt. hon. J. W.
Hill, Lord E.
Hope, Sir J.
Howard, hon. C. W. G.
Hudson, G.
Lewisham, Visct.
Mackenzie, W. F.
Manners, Lord J.
Maxwell, hon. J. P.
Morgan, O.
Napier, rt. hon. J.
Pakington, rt. hn. Sir J.
Scott, hon. F.
Sibthorp, Col.
Spooner, R.
Sturt, H. G.
Taylor, Col.
Tennent, Sir J. E.
Thesiger, Sir F.
Trollope, rt. hon. Sir J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.
Buxton, Sir E.
Seymer, H. K.

List of the NOES.

Adair, H. E.
Alcock, T.
Baillie, H. J.
Bass, M. T.
Bethell, R.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brown, W.
Buller, Sir J. Y.
Bunbury, E. H.
Campbell, Sir A. I.
Carter, S.
Chandos, Marq. of
Cobden, R.
Cowan, C.
Crawford, W. S.
Crowder, R. B.
D'Eyncourt, rt. hon. C.
Douglas, Sir C. E.
Duncan, G.
Duncombe, hon. A.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Ellis, J.
Evans, J.
Ewart, W.
Freestun, Col.
Gibson, rt. hon. T. M.
Gore, W. R. O.
Greene, J.
Grosvenor, Lord R.
Hall, Sir B.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hume, J.
Hutchins, E. J.
Jolliffe, Sir W. G. H.
Kershaw, J.
King, hon. P. J. L.
Locke, J.
M'Cullagh, W. T.
Manners, Lord G.
Melgund, Visct.
Milligan, R.
Moffatt, G.
Mowatt, F.
Pechell, Sir G. B.
Pilkington, J.
Ricardo, O.
Rice, E. R.
Romilly, Col.
Romilly, Sir J.
Russell, F. C. H.
Salwey, Col.
Scobell, Capt.
Smith, J. A.
Smollett, A.
Somerville, rt. hn. Sir W.
Stanford, J. F.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Stuart, Lord J.
Thompson, Col.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Williams, W.
Wood, Sir W. P.
Wyld, J.

TELLERS.
Roebuck, J. A.
Duncan, Visct.

The House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 10, 1852.

MINUTES.] PUBLIC BILLS.—1ª Highway Rates; Ecclesiastical Jurisdiction; Improvement of the Jurisdiction of Equity; Property of Lunatics.

2ª London (City) Small Debts Extension; Master in Chancery Abolition; Burghs (Scotland).

MASTER IN CHANCERY ABOLITION BILL.

Order of the Day for Second Reading read.

The LORD CHANCELLOR (who was greatly indisposed), said, that as he had on a former occasion described the nature of the measure, he should not say anything upon the subject now. He should simply move that it be read a second time, with a view to its being referred to a Select Committee.

LORD CRANWORTH said, he considered this a most useful and valuable measure, though he thought it admitted of some question whether it adopted the best possible means for attaining its object. It certainly carried into effect the recommendations of the Chancery Commission; of which none were more important than those which related to the virtual abolition of the Master's Office. He said "virtual," for the duties of the office were in some degree still to be retained, though in different hands. He owned, however, that he did not think the mode proposed was the very best that could have been suggested. It had occurred to him that the duties to be discharged required presence in Court and hearing of the matters there discussed; and for that reason he suggested that the Registrar would be the fittest person to discharge them, as he sat in Court all day, as the Masters used to do of old; although, even at the time when his noble and learned Friend was at the bar, the practice had become a mere form. The Masters of the Common Law Courts still performed the duties of Master and Registrar, and sat in Court all day in one capacity, which qualified them all the better for the exercise of the other. He would observe, also, that the duties of the Master were now to be performed by a Judge's Clerk, and he feared suitors would scarcely have confidence in so inferior a functionary—at least with a name and office so inferior; for in matters like this there was a great deal, after all, in a "name."

The LORD CHANCELLOR said, that he had never heard of such a suggestion before, and certainly it could not possibly answer, as the Registrar had quite enough to do in the performance of the peculiar functions of his office. And, as to the ancient attendance of the Masters, it had been found incompatible with the due discharge of the proper duties of the Master's Office; and for that very reason their attendance had first become formal and then fallen entirely into disuse. The experiment, therefore, had been in fact tried, and had totally failed. He would add, moreover, that the Bill had been drawn up in strict conformity to the recommendations of the Commissioners.

Lord LYNDHURST said, the Bill, in this respect, kept close to the recommendations of the Report, and he thought it far better to adhere to those recommendations, in order to facilitate the passing of the Bill through the other House of Parliament.

Lord CAMPBELL quite agreed in this; and as to his noble and learned Friend's (Lord Cranworth's) objection to the title of "Judge's Clerk," begged to remind him that the Chief Judge in Scotland was called a clerk—the "Lord Justice Clerk."

On Question, *Resolved* in the *Affirmative;* Bill read 2ª, and *referred* to a Select Committee.

Lord Cranworth

CONVOCATION OF THE CLERGY—PROVINCE OF YORK.

Lord REDESDALE, in moving for copies of the Form of Writs issued for the Summoning and Prorogation of the Convocation of the Clergy of the Province of York, said, that their Lordships would, no doubt, recollect that last Session he had called their attention to the subject of Convocation; and certainly since then the subject had lost none of the general interest with which it was regarded throughout the country. He believed there was a steady and progressive desire on the part of those interested in the Church that her members should enjoy the same privilege of governing its affairs by means of an assembly of its members as was enjoyed by the Church of Scotland and all other religious communities throughout the kingdom. At the present moment there was no doubt that great exertions were making on the part of the Romish Church to introduce synodal action into England; and therefore there was more ground than there ever had been to think that our Church should have its own appropriate organ of general opinion and deliberation. He was certain that the occurrences of the last few years must have convinced most people that it was necessary there should be some body to which matters both of inquiry and rule should be referred, and that neither House of Parliament was a proper body to inquire or decide on subjects connected with the Church. It could not be denied that the Church of England was deficient in some kind of tribunal to which could be submitted the control of her internal regulations. In whatever manner the deficiency was to be supplied, at all events there was a deficiency in our present regulations which did require to be met. With these remarks he dismissed the general subject; but he wished to draw their Lordships' attention to certain internal regulations respecting Convocation, and more particularly the Convocation of the Province of York. Their Lordships were aware that the Convocation of the Province of Canterbury regularly met, and its proceedings did in a certain degree take a form that showed it to be a body constituted for regular action on all occasions; it was regularly constituted, and though it did not proceed to important deliberation, it might to a certain extent be said to discuss business. There was an address to the Crown on this occasion of its meeting; petitions were received, and acts of that sort performed; though it was unquestionable that for a great number of years no licences had been granted to discuss other matters, or enter on topics of importance. As regarded the Convocation of the Province of York, though it was a body, in fact, more popularly constituted—that was, with more elective members belonging to it than the Province of Canterbury—its action had been of a more limited character for a great number of years, and it had for a long period ceased to transact any business. The Convocation of that Province had never been divided into two houses; the prelates had always sat in the same house with the minor clergy. He supposed that had partly arisen, if not entirely, from the fact of there being a very small number of bishops attached to the Province of York, and also from this other circumstance, that York being a place to which none of those bishops were necessarily drawn by business in the same way as on the meeting of Parliament, the prelates of the Province of Canterbury were necessarily drawn to London, the prelates were represented by proxy. He spoke comparatively, but little business was done by that Convocation. At the same time it was desirable to bear in mind that that body had been by no means deprived of the power of exercising those functions which duly belonged to the Convocation of any Province. It had been represented in some quarters that the sanction of the Convocation of York was not given to the Canons of 1603. Now this was distinctly a mistake, for in the year 1604, the Convocation of the archdiocese of York was summoned specially for that purpose by Archbishop Hutton. At the time of meeting the see had become vacant by the death of that prelate; but the Bishop of Bristol, who was Dean of York, was appointed president under the King's writ by the dean and chapter. Again, after the Restoration, when the Prayer-book and Liturgy were to be adopted and formally recognised by the different Convocations, in order to facilitate business the prelates of the Province of York sat and deliberated with those of Canterbury. The clergy of the Convocation of York regularly met, and deputed the deans of St. Paul's, Westminster, and Ely, with other Members, to represent their body in the lower house. On that occasion matters of the highest importance to the Church were discussed and decided. The only other time at which the Convocation of York had adopted any step for a special address to the Crown, was in Queen Anne's reign, when an address of thanks was voted to Her Majesty for the Royal Bounty. Since that time the Convocation regularly met, but it had never been allowed to proceed to business. Until 1847, when the present Convocation met, matters remained in that state. Prior to the meeting of that Convocation, certain of the clergy, with the sanction of the late Archbishop of York, expressed a desire that the Convocation of York should, in the same manner as that of Canterbury, present a loyal address to Her Majesty; and the late Archbishop entirely concurred in that proposal, and had communicated with the other bishops of the Province, when an address was agreed upon, which it was determined should be proposed to Convocation. In the interval which took place between the preparation of the address and the meeting of Convocation, the death of that prelate took place, and the prebend who presided in his room probably felt that there would be a responsibility resting upon him for allowing a course of proceeding different to that observed on former occasions; and he adjourned or prorogued the assembly before the address was adopted. At that meeting of the Convocation a petition from certain bodies of the clergy on the subject of elections to Convocation was received; but no other business was transacted in Convocation. In 1848, 1849, and 1850, no attendance was given by the Archbishop at the annual meetings. In the present year Convocation was still prorogued to the same day in February fixed for the meeting of Parliament. The day before Convocation was convened, certain members of Convocation who had petitions from bodies of the clergy in all the different dioceses of the Province, excepting that of Sodor and Man, notified to the right reverend Prelate that they proposed to attend and present these petitions on the day on which Convocation was appointed to meet. On that day they did attend, and the Session was not opened. They adjourned to the chapter-house library, and proceeded to write a letter to the Archbishop, informing him of their desire to present petitions. To this letter his Grace sent a very courteous reply, stating that he, in the absence of any licence from the Crown to proceed to business, declined to open the Convocation, and that he could only request that the petitions might be forwarded to him, in order that they might be entered on the records. He (Lord Redesdale) would admit that the course pursued by the Archbishop was in accordance with the usual practice; and he was sure that he should not be answering the wishes of those who had applied to him to bring this matter forward, and whose sole motive in appealing to him was because they thought there would be less offence in this subject being taken up by one who was connected with the general question, and not by one who was immediately connected with themselves—he was sure that he would not be fulfilling their desires if he said anything that in any way reflected upon the conduct of the right reverend Prelate on that occasion. Every one must appreciate the right reverend Prelate's just unwillingness to take any step of an unusual nature, without the most deliberate consideration and the best advice. At the same time he must feel that it was a matter perfectly open to be canvassed and discussed, whether the practice that had grown up in Convocation, of not opening the session, was one that ought to be continued, or that could be justified by reason or even by custom. At present the matter stood thus. Hitherto attendance was only given on the first day of the meeting of a new Convocation, and on that occasion the session was always formally opened. After the first meeting it was not opened, because it had been found, for a long period, that there was no attendance. But there was the precedent that when attendance was given, the session was opened. Therefore, when attendance was given on the last occasion, as in fact in obedience to the Queen's writ it should always be, the session ought to have been opened, to enable parties charged with petitions to present them. At all events he was sure that the feeling must be shared by every one that the clergy of one Province should not be denied privileges that were enjoyed by the clergy of another; and that the clergy of the Province of York should be placed upon the same footing in this respect as the clergy of the Province of Canterbury. He hoped in calling attention to this subject—and doing so in a manner which he trusted was not offensive to any one—that we were now in the way of seeing some uniformity established. Nor, in fulfilling the wishes of those who were deeply interested in the question, could he help expressing a hope that if it should appear desirable, the right reverend Prelate (the Archbishop of York) would, on the occasion of a future Convocation, allow the session to be opened, as had been done in the Province of Canterbury; and also that he would turn over in his mind whether the example which was about to be set by his lamented predecessor was not one which would be most grateful to the clergy of the Province over which he presided. The late Archbishop of York—than whom no one had been better acquainted with the wishes of the clergy—had been willing to follow a course which showed that he not only saw no danger in adopting this measure, but that he was satisfied of the propriety of doing so. With these remarks he begged to conclude with the Motion of which he had given notice.

Moved—

"That there be laid before this House Copies of the Form of Writs used for the Summoning and Porogation of the Convocation of the Clergy of the Province of York."

The Archbishop of YORK said: I beg to thank the noble Lord for having made known to me his intention to bring forward this subject, and for the temperate and courteous manner in which he has treated it. My venerable predecessor, it was very true, had given an unwilling assent to the proposal mentioned by the noble Lord in 1847. But on the accession of Her present Majesty to the Throne in 1837, when it was proposed that an address of congratulation should be agreed upon in Convocation, the late Archbishop absolutely forbade it, because it was a thing that had not been done for the last 180 years. It was certainly the fact, however, that the most rev. Prelate, being then at a very advanced age, shortly before his death, after great solicitation from certain parties, did give a tardy and reluctant assent to the receiving of petitions by Convocation. With regard to the last meeting of Convocation referred to by the noble Lord, I will briefly narrate the circumstances of the case to your Lordships. When I received the Queen's writ, I immediately transmitted it to the deputy registrar, directing him that whatever aforetime had been done in such cases should also be done upon that occasion. The deputy registrar was not a young or inexperienced officer, for he had held his situation from an early part of this century, and he succeeded his father, who was appointed in 1779, and for some years previously had discharged the duties of the office as head clerk; so that the two together may be said to have held the office for nearly 100 years. I have myself also made the fullest inquiries on the subject, and I find that since the time of Henry VIII. no Archbishop of York (as I believe) except on two occasions, namely, at the Revolution in 1689, and in the year 1708, had ever attended this meeting of Convocation in person. There were always certain commissioners, consisting of the Dean and Chapter, some of whom were always within the city of York; and these commissioners had always acted for the Archbishop on these occasions. It is true that the present Convocation met on the 4th of February last, and that one of its members sent me a letter on the previous day to say that certain petitions would be presented. I simply acknowledged the receipt of that letter, and I gave orders that the same course should be pursued as had always been done before. I presumed that an opportunity would be given to meet; for it does seem strange that gentlemen should be summoned to a meeting, and if they come in obedience to the summons, that no one should be there to receive them. On the 5th of February (the day after the meeting) I received a memorial from five members of Convocation, stating that certain of the clergy had gone to the Chapter-house the day before, but there was nobody in attendance, and they had adjourned to the Chapter library. I then wrote on the same day to the deputy registrar, asking whether the usual course had been pursued in proroguing the Convocation; and the reply I received from that officer distinctly was, that all which had been done was strictly consistent and conformable with the usual practice. With respect to the writs from the Crown, my secretary had made a careful search among the ecclesiastical records of the Province, and his written opinion was, that ever since the present Archbishop's translation the manner in which the writs of the Crown had been acted upon had been strictly accordant with established precedent, and in no way involved any departure from the ancient practice. I also hold in my hand a letter which I have received from Mr. Canon Dixon, who states that he had held the office of domestic chaplain to the late Archbishop, and had been a canon of York for the last 26 years, and constantly resident within three miles of the cathedral. Mr. Dickson, who in addition to other learning, is an accomplished antiquarian, had diligently examined the records of the Province, and he assures me that my most reverend predecessor had never been present in person at either the opening or the adjournment of Convocation — that no address had been sent to the Crown from Convocation since the Restoration—that no Archbishop had been present since the days of Archbishop Sharp in 1708—and that the proceedings with regard to the prorogation of Convocation on the 4th of February last, were entirely consistent with ancient usage. What was done was done according to ancient, long-continued, immemorial, and invariable precedent. Under these circumstances, I can only say with regard to the hope expressed by my noble Friend, that I shall give no pledge binding myself to depart from the established practice; the only pledge I can give is this, that the suggestion of my noble Friend shall receive my best consideration.

Lord LYTTELTON wished now to repeat what he stated when the subject of the revival of Convocation was last before their Lordships, that he should be extremely sorry to see Convocation in either Province brought into action with its present constitution; still more was he averse to its being revived irregularly, or by surprise. He thought the first thing it ought to do on assembling was to revise its own constitution, and that nothing satisfactory could be accomplished until that preliminary step had been taken. But this referred to the power of passing canons, or doing other acts that would be binding on the Church. That the right of the clergy of the Province of York, like that of the Province of Canterbury, to memoralise, petition, or address the Crown when they thought fit, should be recognised, was, he thought, a very fair and reasonable proposition. The right rev. Prelate relied upon the information of others when he said that the Convocation at York had been prevented from meeting strictly and exactly in accordance with precedent. Now, he (Lord Lyttelton) had learned that there was one occasion, on Nov. 19, 1847, when a petition with regard to the election of a Proctor in the Archdiocese of York was taken into consideration, and actually passed in Convocation, as appeared on the records of the Court. That, he thought, did form a precedent. But the main point was, that whereas on former occasions there had been no business to transact, on this occasion notice had been given to the Archbishop that petitions would be brought forward, and that was the real grievance complained of. He ventured to express a hope that the most rev. Prelate would take into his consideration whether it was not possible, in accordance with precedent even, or at all events with substantial propriety and justice, for him to follow the example which was already in operation in the Province of Canterbury, and to allow the clergy of the Province of York, when they thought fit, to make known their wishes to the Crown by memorial, or otherwise.

Lord REDESDALE said, that he was sure that all their Lordships would receive the assurance of the right rev. Prelate with the same satisfaction as he did.

On Question, *agreed to.*

JUDICIAL COMMITTEE OF PRIVY COUNCIL—ECCLESIASTICAL CAUSES.

The Bishop of LONDON said: It will be in the recollection of your Lordships that in the Session of 1850 I introduced a Bill into this House for the purpose of regulating the Court of last appeal—that is, the Judicial Committee of Privy Council—in all questions of religious doctrine which may come before them. An important provision of that Bill was, that in all such cases the bishops of the Church should be directed to consult and deliberate upon the points in dispute, and communicate the result of their consultation and deliberation in the form of an opinion to the Judicial Committee of Privy Council, who were to be bound by that opinion to decide whether or no the doctrine which formed the subject of the reference was true doctrine, consistent with the doctrine of the Church of England. My Lords, that Bill was not favourably received by your Lordships. I suffered last year to pass by, contenting myself with giving an intimation that I could not altogether allow the subject to drop. I think it is not a subject of a nature that can be suffered long to remain undetermined. All I mean to say on the present occasion is this, that I hope early in the next Session of Parliament, if it pleases God to spare me so long, to introduce another Bill into your Lordships' House, differing in an important point from the former one. I still intend to provide that questions of doctrine shall be referred to the bishops, or to the Upper House of Convocation, for their opinion, that opinion to be communicated to the Judicial Committee of Privy Council, but not to be binding, but merely communicated to them in the way of advice, and not of direction. This is obviously a very important difference, for it would at once do away with the objection raised to the former Bill, that it was an invasion of the prerogative of the Crown. That is all that I think it necessary to say on the present occasion, with reference to the nature of the Bill. I mention it now, in order that the Government may have time to consider the question, and to make up their minds as to how far they will sanction the principle I propose to embody in my Bill. I do not think it would be quite right on my part to put a direct question to my noble Friend at the head of the Government. I merely beg to express an anxious hope—which many others share with me—that some proposition of this kind will receive a favourable consideration from those with whom, after all, the decision must mainly rest. I see in the Minutes of your Lordships' House that it is incorrectly stated that I intended to put a question to the noble Earl. I never did intend to do so, but merely to express a hope that he, or whoever else may be charged with the government of the country, will give a favourable consideration to the measure that I have announced.

The Earl of DERBY: I have to thank the right rev. Prelate for not having addressed a question to me as to the course which the Government may pursue with regard to a Bill which has not been submitted to them. Such a course would have led to much inconvenience; and in the position in which I now stand, I am not prepared to express any opinion as to the course which the Government may take, without having an opportunity of consulting my Colleagues, not only with regard to the details, but with regard to the principle, of the Bill. But if I rightly collected the intention of the right rev. Prelate, he proposes to leave the jurisdiction in the same hands in which it is left at present, and not to interfere in any degree with the ultimate opinion and the final judgment of the Judicial Committee of Privy Council; but he does propose that, as your Lordships may in certain cases call in the Judges to give their advice and opinion to direct your judgment, so the Bishops may be called upon to give their opinion with respect to questions of sound doctrine or of heresy. And although I cannot certainly pledge myself or my Colleagues as to the course we may think it necessary to pursue, yet I think it proper to say that I find myself placed in considerable difficulty in resisting this proposition, because, if I am not mistaken, it is very like the suggestion which I made in a former year as an intermediate step between the Bill introduced in the Session of 1850 by the right rev. Prelate, and the total rejection of that measure. I am still very strongly of opinion that where questions of false doctrine or of heresy arise, the opinion and judgment of the Bishops, although they might not meet to lay down an absolute and binding authority on such questions, yet must be very important—looking at their long and deep study of such momentous subjects—in directing and guiding the minds of those by whom the final decision has to be pronounced. Further than that I cannot now go, and I am sure the right rev. Prelate himself would not wish me to say more.

ECCLESIASTICAL MUNIMENTS BILL—COMMITTEE.

The BISHOP of OXFORD moved the Order of the Day for the House going into Committee on this Bill.

The BISHOP of SALISBURY entirely concurred in the principle of the Bill; but as there were considerable difficulties connected with the subject, he ventured to suggest that it would be desirable to refer it to a Select Committee. He would therefore suggest to his right rev. Friend (the Bishop of Oxford) that the preferable course would be to refer the Bill to a Select Committee.

The BISHOP of OXFORD said, if their Lordships were of opinion generally that the Bill should be referred to a Select Committee, he had not the least objection to that course, though, individually, he thought sufficient reason had not been shown for so doing, inasmuch as the objections taken to the Bill were such as he was prepared to provide for by amendment in Committee—some of which he had perceived after the Bill was printed. He could not, therefore, acquiesce in the proposal for sending the Bill to a Select Committee; but having, as he conceived, done his duty, he was prepared to submit the matter to their Lordships' judgment.

The BISHOP of LONDON also expressed himself in favour of sending the Bill to a Select Committee.

After a few words from the EARL of DERBY and the BISHOP of OXFORD,

Order *discharged;* and Bill *referred* to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 10, 1852.

MINUTES.] NEW MEMBER SWORN. — For Harwich, Isaac Butt, Esq.

PUBLIC BILL.—1° Nisi Prius Officers.

WEST INDIA DISTRESS.

SIR JOHN PAKINGTON presented petitions from the island of Jamaica, and from British Guiana (signed by 4,000 of the inhabitants), complaining of the distress under which they were suffering in consequence of the operation of the Sugar Duties Act of 1846.

SIR ROBERT H. INGLIS presented a petition from the Bishop and clergy of the Established Church, and ministers of all the other religious denominations in Jamaica, complaining of the distressed condition of that island, and praying for justice to an aggrieved community, whose sufferings had been incident to a system of policy supposed essential to the welfare of the Empire. The petitioners set forth, that it was no ordinary exigency that had combined them, whatever the diversity or the agreement of their political opinions, in an unanimous appeal on this subject, but a feeling that in the threatened ruin of the agricultural and commercial interests of the Colony their own usefulness and ministrations were involved, and they, therefore, recorded their solemn conviction that unless some wise and well-directed efforts were made to reconcile as far as it was possible an act of justice to the West Indian proprietors and their dependants with such policy, and to allow either the differential duties between the produce of the free cultivator and slave-grown sugars to subsist as a special exception on moral grounds to a general political rule, or some other prompt and sufficient remedy to be devised for the evils under which the British West Indian colonies suffered, the privations already sustained by the planters, the labours of the ministers of religion, and the costly philanthropy of the mother country in effecting emancipation, would be abortive, the cultivation of estates and the religious and educational institutions in the island simultaneously abandoned, while the masses of the population would inevitably retrograde to a state of barbarism worse than that from which they had been rescued. The hon. Baronet having also presented a petition from the Chief Justice, other Judges, barristers, solicitors, and others, practising in the law in the island of Jamaica, then, pursuant to notice, asked the right hon. Secretary for the Colonies whether the attention of Her Majesty's Government would be directed, in the course of the next Session, if not in the present Session of Parliament, to the distress in the island of Jamaica, and in other colonial dependencies of the Crown, with a view to relieving the same, either by a continuance of the differential duties on slave-grown sugar, or by a reduction of the duties on free-labour sugar, or by any other mode which they may recommend to the wisdom of Parliament, regarding such a subject as an exception, on moral grounds, to the general question of free trade.

Sir JOHN PAKINGTON: I think, Sir, it will be in the recollection of my hon. Friend the Member for the University of Oxford, that, at an earlier period of the present Session, I had to answer a question of a somewhat similar character to the present. In answering that question, I stated that it was not the intention of Her Majesty's Government to propose to Parliament any measure on this subject during the present Session; and now, in answer to my hon. Friend, I must say, that so far as the present Session is concerned, my answer on the part of Her Majesty's Government must be the same. But I took that opportunity to state my own deep conviction of the severe and painful distress under which several of our West Indian Colonies are suffering, from causes to which my hon. Friend has referred. This impression undoubtedly must be confirmed, not only by the petitions which my hon. Friend has presented, but also by the two to the same effect which I have myself presented this evening from the island of Jamaica and from the colony of British Guiana; and I fear that there can be no doubt that up to this time those Colonies are suffering under very great and severe distress. The question of my hon. Friend, however, proceeds to ask what course Her Majesty's Government intend to take upon this subject in the next Session of Parliament. Now, I think he will see that it would not be proper, even if it were possible, for me to say what might be the precise course that Her Majesty's Government may think it right to take in a future Session of Parliament on this or any other subject. But if he asks me, as he does on this occasion, whether the attention of Her Majesty's Government will be directed to this subject, it undoubtedly is my duty to say that the anxious consideration of Her Majesty's Government will be, as it ought to be, directed to such allegations of suffering on the part of any of the Colonies of Her Majesty that may be laid before them.

SALE OF REFRESHMENTS IN THE CENTRAL HALL.

Mr. ROEBUCK begged his hon. Friend (Mr. Alderman Humphery) the Chairman of the Committee who superintended this portion of the arrangements of the House, to state under what circumstances the person who had had a stall in the central hall, had been forbidden to continue the sale of refreshments there?

Mr. Alderman HUMPHERY said, that when he arrived at the House at twelve o'clock that day, the person who had been appointed by the Committee to sell refreshments in the central hall, informed him that he had, on Saturday last, received a letter from Mr. Burrell, the secretary of Lord Willoughby d'Eresby, the Lord High Chamberlain, desiring him to cause his stall to be removed. The correspondence which had taken place on the subject was this. In the first place, Mr. Lucas, who had established the stall, received from the Lord Great Chamberlain this letter:—

"Lord Great Chamberlain's Office,
Palace of Westminster, May 8.

"Sir—Having been informed that you have established a stall for the sale of provisions, wine, spirituous liquors, &c., in the central hall of the Palace at Westminster, I am directed by the Lord Great Chamberlain to desire that you will cause the same to be immediately removed.—I remain, Sir, your obedient servant,

"R. Burrell, Secretary.

"Mr. Henry Lucas, 20, Bridge-street."

Upon receipt of this letter, Captain Gosset had an interview with Mr. Burrell, the result of which was the following letter from the latter gentleman:—

"Palace of Westminster,
Lord Great Chamberlain's Office, May 10.

"My dear Sir—I have reported to the Lord Great Chamberlain the substance of our conversation yesterday, and I am directed by Lord Willoughby to inform you that he has assented to your wish as an act of courtesy towards Lord Charles Russell, to allow the refreshment stall to remain in the central hall until one o'clock this day, after which I have received the Lord Great Chamberlain's positive directions to see that it is forthwith removed.—I remain, my dear Sir, yours faithfully, "R. Burrell.

"To Captain Gosset."

On the same day the Lord Great Chamberlain directed an order, in the following terms, to the superintendent on duty in the Palace:—

"Palace of Westminster,
Lord Great Chamberlain's Office, May 10.

"Sir—Lord Willoughby having been informed that refreshments have been supplied and sold in the central hall of the Palace of Westminster, I am directed by the Lord Great Chamberlain to request that you will give strict orders to the police constables on duty in the Palace of Westminster to prevent for the future any refreshments whatever from being supplied or sold in the central hall.—I remain, Sir, your obedient servant, "R. Burrell, Secretary.

"To Mr. Superintendent May."

Subsequently Lord Willoughby had given permission for the stall to remain two days longer, but it was then to be finally removed. The Committee were anxious that Members attending the Committees, who were that day nearly 100 in number, should be able to obtain what refreshment they required. This stall had therefore been placed in the central hall, the charges having been fixed at a very moderate amount; and he believed that up to the present time every one had been satisfied. He believed that the House would not suffer the stall to be removed in this way.

Mr. ROEBUCK would ask the right hon. Gentleman the Chancellor of the Exchequer whether the House was to put up with what they had just heard was the determination of that most important personage, the Lord High Chamberlain? Were they, after having determined that certain refreshments should be sold in that hall, upon the command, and upon the most impertinent interference of that functionary, to be prevented from having what he believed they had a perfect right to have, their own refreshment in their own House? He wished to ask whether the right hon. Gentleman would direct his attention to the matter, and what course he would hereafter pursue with respect to it?

The CHANCELLOR of the EXCHEQUER said, that had he been aware of these grave circumstances he should have been prepared to deal with them in a fitting manner. He was not prepared to say whether the course which had been taken was a breach of the privileges of the House, but he was sure that it was a great inconvenience to every Gentleman in that House. Perhaps the hon. Member for Sheffield would allow him a few hours to consider the circumstances; and he could assure him that for his (the Chancellor of the Exchequer's) own sake, as well as for that of his companions in that House, he would endeavour that some satisfactory arrangement should be come to.

Subject dropped.

ASSIGNMENT OF SEATS IN LIEU OF ST. ALBANS AND SUDBURY.

The CHANCELLOR of the EXCHEQUER: Sir, when, after re-election, I had the honour to resume my seat in this House, in answer to the interrogatories that were then addressed to me by an hon. Gentleman opposite, the Member for Wolverhampton (Mr. C. Villiers), as to the views of Her Majesty's Government with respect to their general policy, and as to the course which they intended to pursue, after giving the hon. Gentleman such explanations as were necessary with regard to the first point, I had to communicate to him the course which the Government intended to adopt with respect to the despatch of business before the House; and I stated then that although it was the intention of Government humbly to counsel Her Majesty to dissolve the present Parliament, they were not prepared to give that advice until those measures should be passed which the exigency of the public service required, and some other measures were also carried which they deem to be of paramount importance. Although on that occasion I did not absolutely define all the measures which under the circumstances Her Majesty's Ministers might think proper to submit to the consideration of the present Parliament—although the House was, indeed, too generous to demand a pledge so precise, and I hope that Her Majesty's Ministers were too discreet to enter into an engagement so precipitate—voluntarily and without disguise I did then—that being in the middle of the month of March, express to the House what were the intentions of Her Majesty's Government with respect to some measures which could not be described as coming within the category of those absolutely necessary for the supply of Her Majesty's service. I said then there were three measures that we deemed of paramount importance: one with respect to the internal defence of the country; another, a measure to carry into effect, if possible, those recommendations which were made for the reform of the Court of Chancery by Her Majesty's Commissioners; and, thirdly and lastly, I said that it was the intention of Her Majesty's Government, in case the Bill which was then before the House for the disfranchisement of the borough of St. Albans received the sanction of Parliament, that it was the intention of Her Majesty's Ministers to ask the House of Commons to assist in completing the constitutional number which had hitherto formed the aggregate of representatives in the House of Commons. Sir, I am unwilling at all times to quote to this House anything which I may have said in previous debates; and if this were merely an expression of sentiment or opinion, I should, I hope, have the good taste to refrain from doing so now. If, therefore, I may presume to refer to an authoritative statement of what then fell from me, it is only because I wish to place before the House, in a manner the accuracy of which cannot be questioned, those details which are matter of fact. Sir, I find that what fell from me on that occasion is thus accurately represented. I said then—

> "I will mention, if the House will permit me, some measures which I think ought to be introduced without delay. I do not allude merely to those votes for the public service which every Member will, I am sure, join in granting to us; neither do I allude merely to the Mutiny Bill, which nobody, I believe, yet—although I have heard some strange rumours upon the subject—is prepared to oppose. But there are three other measures with regard to which, on the part of the Government, the greatest efforts will be made to secure their speedy passing. Those measures I shall feel it my duty, on the part of Her Majesty's Government, earnestly to press on the attention of the House. One of them is the disfranchisement of St. Albans, which has already been taken up by my right hon. Friend the Secretary of State (Mr. Walpole). In connection with that measure, I beg to say that I shall take the earliest opportunity of expressing, on the part of the Government, what are their intentions with respect to the distribution of the four forfeited seats which we shall have to deal with if that Bill should receive the sanction of the House. That is a subject, in my opinion, of the greatest importance; it is, I think, highly expedient, that before Parliament is dissolved, the number of seats should be completed; and I trust that the proposal which the Government will have to make upon that subject will receive the general support of the House."—[3 *Hansard*, cxix. 1061.]

Now, Sir, I must confess that I am surprised—I would almost presume to say that I am, individually, somewhat pained —to hear it insinuated, and more than insinuated, that in asking for leave to bring in a Bill for the purpose which is on the paper to-night, I have taken the House by surprise—that I have committed—I will not say a breach of trust, though even that

expression has met the eye—but that I have tampered with the honourable understanding which subsists between the Government and the House. Sir, I am not conscious of having acted in this respect in any other than a perfectly clear and straightforward manner. The day after I heard that Her Majesty had given Her assent to the Bill for the disfranchisement of the borough of St. Albans, in pursuance of the first declaration which I made to this House as a responsible Minister of the Crown, I gave notice of the intention which I hope to-night I may partly fulfil. Sir, I have made these observations because I wish to vindicate myself from a charge which has been so freely circulated, and I trust that the statement I have made, will, whatever may be the opinion of the House on the main subject, exonerate me from any charge of not having behaved towards the House in this matter in that candid, open, and straightforward manner which it becomes us to pursue in the conduct of the public business.

Sir, it now becomes my duty to state that it is the opinion of Her Majesty's Government that it is highly expedient that those seats should be filled up before the dissolution of Parliament takes place. Sir, I am well aware that if any hon. Gentleman opposite were to ask me what was the magic in that particular number of 658, or why the completeness of our legislation should be questioned without the concurrence of that aggregate number of Members—if I were asked to define or describe the cabalistic charm of these numerals, I freely admit that I should find myself extremely perplexed; but if I were equally asked from the same quarter to prove and demonstrate why twelve should be the number fixed for that tribunal which is the most popular in this country, I think that my perplexity would be not less considerable. It would be extremely difficult to show that twelve is a number more absolutely perfect for the administration of justice by such a tribunal as a jury, than an unequal number, such as thirteen; and arguments might be offered why this number should be increased, or why it should not be so considerable. Sir, the foundation of all these arguments is prescription; prescription, which consists of rules created by experience and sanctioned by custom. And, Sir, we must remember that prescription is, after all, the most important element of order, of liberty, and of progress; and although I myself am not, I am sure, inclined to yield to that principle any superstitious adherence, I am still of opinion that the time is not arrived when prescription can be lightly treated by a House of Commons. The inconvenience and the injury of outraging such a principle is more easy to comprehend, than it is to establish the peculiar arrangement in question. A violation of prescription is an element of disturbance—it leads to discontent—it offers a premium to extravagant projects—it invites men to immature schemes and hazardous suggestions; and were it for no other reason than this, I feel that it would be our duty to warn the House against that which has become a continuous and systematic deficiency in the aggregate numbers of the House of Commons. Deeply convinced, then, of the inconvenience and of the peril of indulging in this continuous and systematic deficiency in our numbers, Her Majesty's Ministers have felt it their duty to express this opinion to the House. In their opinion, and in their view of the case, it is essentially a case for the House of Commons to consider—in their view of the case it is the first duty of the House of Commons to fulfil; and if that be true, if it be for the House of Commons to see that its numbers are complete, it necessarily follows that the fulfilment of that duty should fall upon those who happen to be the Ministers of the day; because from the system of conducting public business in this House, and from the liberal concession of the time of the House to the existing Administration, it is quite clear that no question of this kind could with convenience be carried but by those who, by the generous confidence of the House, as an existing Administration, have conceded to them that command over the time of the House which the Government always possesses. Sir, if the Government were to follow their own inclinations—if they were to consult merely their own personal interests and convenience—I hardly know any subject which they would more freely avoid than the settlement of questions like the present. They are essentially invidious. In old days, whenever questions concerning the appropriation of vacant seats were introduced, party passions were necessarily excited. In a country where the Government is carried on by the machinery of political party, it is scarcely possible to offer a suggestion for a settlement of a question of the kind, without, of course, the imputation of political motives, and perhaps without the possibility of political bias. But, Sir, at the present day, a Ministry that attempts to recommend to the House measures for the settlement of such questions, has not merely to encounter the ancient and traditional political sentiments of opposite parties. Of late years another element has entered into the discussion of these subjects, which tends peculiarly to embitter feelings, to create jealousies, and to increase difficulties; and that is, the unhappy misunderstanding between town and country, which I, for one, notwithstanding all that has passed, hope yet may be of shorter duration than some are disposed to believe. Well, then, these two considerations alone would have induced the Government, but for a paramount sense of duty, to have avoided interfering in the settlement of this question. Sir, I do remember that when, in the month of March, on the part of the present Administration, I expressed their intentions of introducing a measure on this subject, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) did on that occasion express his dissent from the sentiments I then conveyed to the House. I will do him the justice to acknowledge that. But allow me to remind the House of the circumstances under which that protest—that provisional protest, was offered by the right hon. Gentleman. The right hon. Gentleman was then labouring under a conviction, or a fear, that Her Majesty's Ministers wished to avoid a dissolution of the present Parliament, or, at least, that they wished to postpone that appeal to the people to a much later period than had ever entered into the imagination of Her Majesty's Ministers. Such was the feeling entertained by the right hon. Gentleman, and it was avowedly upon that impression that the right hon. Gentleman founded his objection to the course I am now taking. But, Sir, there is now no apprehension in the mind of any Member of this House that the dissolution of Parliament can be postponed, or that any one wishes to postpone it. On the contrary, the only expressions of regret at the impending dissolution which have reached me have not been uttered, I must say, by Gentlemen who do the present Administration the honour of supporting them. Sir, the moment that a pledge was given that the new Parliament should meet in the present year, it was quite clear that it would not be the interest of Her Majesty's Ministers to postpone the dissolution of the existing Parliament; because, if Her Majesty's Ministers have to meet the New Parliament in this year, the natural desire which men with such responsible duties must have of obtaining at least sufficient time to prepare the measures which they may have to submit to the new Parliament, must make it, of all men, the interest of Ministers not to shrink from as speedy an appeal as possible to the constituencies. Therefore, the objection which the right hon. Gentleman raised to my bringing forward a measure of the kind I am now asking leave to introduce, namely, that it would tend to the postponement and procrastination of the dissolution, can no longer, I think, be urged, or enter into the mind of any Member, or in the present case influence in any degree his conduct. It is, then, not with any intention to influence the duration of this Parliament—which I think all must acknowledge who candidly consider the circumstances—but because we consider it to be of paramount importance that the constitutional number of Members of this House should be complete, and because we think, that of all times when that completion should take place, it is previous to a dissolution, we have felt it our duty, however unwillingly, to ask the leave of the House to bring in a Bill for the fulfilment of that object. Sir, the fact that a dissolution is impending, instead of being a reason against the House coming to some decision on the subject, appears to me, on the contrary, the strongest argument in favour of the course we are pursuing. If there are persons who are not represented, and who ought to be represented, what time more apposite for investing them with their legitimate privilege than when we are about to give the country at large the opportunity of exercising the franchise; and if it be the opinion of the House that there ought to be four more Members of Parliament than there are here at present, what time more fitting for supplying the deficiency than when you will be in a position constitutionally to call them together for the fulfilment of their duties. Sir, the very sense of the great inconveniences which have arisen in all discussions of this kind, from that unfortunate jealousy which exists between town and country, to which I have before alluded—the very feeling that it is highly impolitic on all occasions to be marshalling the rival claims of different parts of the community as regards their population or their property—has, I think, given rise to an anxiety in a very considerable portion of the country to see whether other elements wherewith to form a constituency may not be devised, than those which have hitherto supplied elements of the electoral body. Sir, I have seen many plans which, if they were carried into effect, would send Members to Parliament by means, I think, entitled in every way to our respect, but other than those which are generally had recourse to. To-night, for instance, before I rose to address you, Sir, the hon. Member for Maldon (Mr. Lennard) gave notice, that if I succeeded in going into Committee with the Bill for which I now apply, he should propose that two of the Members for the vacant seats should be apportioned to the University of London. Sir, I believe that in making that suggestion the hon. Gentleman spoke in unison with the feelings of considerable classes entitled, I repeat it, in every way to the respectful consideration of this House; and I can truly say that that proposition has not been viewed by Her Majesty's Ministers with any sort of prejudice: it has, on the contrary, been observed with interest and with sympathy. Sir, I can admire the idea that would permit science and learning, by the immediate exercise of the popular suffrage, to take their place in this House, without the embarrassment of political connexion, and without the inconveniences of party passions. But, when this question is examined—and with the permission of the House I will slightly touch upon it—the difficulties, though I am far from saying that the House could not remove them—the difficulties are not inconsiderable. In all those suggestions which would lay down as a principle that the elements of our constituent body should be of a less absolutely material character than heretofore—that the intellectual and the moral qualities should be permitted to exercise their influence on this House without a necessary connexion with political party—in all those suggestions there is something so plausible to the reason, and, I would add, even so captivating to the imagination, that I can easily understand that they have excited a great public interest, and engaged the approbation of many individuals who are entitled to the highest respect. Now, Sir, suggestions have been made, for example, that it would be desirable that the learned Societies for which this metropolis is celebrated, should furnish a Member or Members to this House; and, at the first glance, remembering who would probably be among the Members thus deputed to this House, it must be admitted to be a proposition highly deserving of our examination. Take the Royal Society, for example. It is a very ancient society. It was founded by a monarch. It has been adorned from the days of Sir Isaac Newton by some of the greatest men whom England has produced. And at this moment it counts among its members some of our fellow-subjects of whom we are most proud. But the House must remember this, when we talk of the learned Societies, that in the nineteenth century learned Societies no longer necessarily consist of learned men. The necessity of having a large revenue, and of raising that revenue by public subscriptions, permits a great number of individuals to be numbered among learned Societies who have no other claim to that distinction than that which is conferred by their wealth and the general respectability of their character. You would not necessarily, therefore, because you delegated the privilege of sending a Member or Members to Parliament to the learned Societies, have a constituency formed of learned men. Another difficulty in the case is to draw the line, if once you admit a principle so fluctuating in its elements. If the Royal Society—I take that as the oldest and the most distinguished among them all—is entitled to have a representative in this House on the ground that that Society itself is a representative of science, there are many other Societies who may also assume to represent science. Why, if you admit the Royal Society, on what principle can you shut out the Geographical Society, or the Zoological Society, or the Astronomical Society? And if you were to take all these Societies, and say that by aggregating them together we should form a considerable constituency to whom collectively should be given a representative in Parliament, what will prevent new geographical societies, new zoological societies, and new astronomical societies being formed to-morrow, who might urge their claim to the possession of the franchise on the same plea? In fact it is evident—I say it with great respect to those Societies—in fact it is evident that, dealing with the materials before us, it would be in the power of any body of men—any club, for example—to give themselves a scientific designation, to affect scientific pursuits, and to make that a claim for the exercise of the franchise. Well, then, Sir, on examining the claims of the learned Societies to this privilege, I feel that the difficulties are too great for us to overcome, and we have, therefore, reluctantly dismissed them from consideration. It has been suggested, again, that there are Royal Corporations of great consideration in this country—Royal Colleges of Surgeons and of Physicians, a Royal Academy of Arts, and other similar institutions that might be grouped together for the purpose of Parliamentary representation. Sir, I have no wish in any way to impugn the conduct of those corporations, or to trench in any degree on their privileges; but if we examine into the constitution of those societies we shall find that, generally speaking, they are self-elected; and though the influence of their career and the result of their operation may be satisfactory to the country, I do not think it would be judicious, nor indeed very constitutional, that we should look for the elements of a representation amongst self-elected corporations. Well, Sir, to come to the claim which has been partially advocated to-night by the notice of the hon. Member for Maldon—the claim of the Universities which are not represented. Now that appears at the first blush to be an extremely plausible plea. The ancient Universities of England are represented—the University of Dublin is represented—why then, for example, should not the Scotch Universities be represented? But any one who has investigated the question, who has looked into the condition of the Scotch Universities, with every wish to recommend such a measure to the House—and it was my own wish—will find that the elements of a popular constituency are totally wanting; that in the Scotch Universities, for instance, there is no body like the Convocation of our English Universities; that you have students who never, or rarely ever, become graduates; that there is no privilege annexed in Scotland to the taking out of an academic degree, and that therefore it is seldom that any individual takes a degree. If, then, you invested the united Universities of Scotland with the privilege of being represented in this House, the privilege would, in fact, be in possession of a few rectors, and about a hundred professors. The elements of a popular constituency are altogether wanting. Well, so much for the learned Societies, and so far for the Scottish Universities. But I have now to notice the claim of the London University. My Colleagues and myself have considered not only the case of the learned Societies, and not only the case of the Scotch Universities, but also the claim of the London University; but I am bound to say, with every disposition to recommend such a measure as that which the hon Gentleman has shown his favour to, we do not find, in the present state of the London University, the conditions which are necessary for making a concession under the circumstances of such a nature as this. The constitution of that University is, at present, too immature, its development too imperfect, for urging any well-founded claim of the nature now in question. At the utmost, a scattered constituency of a few hundreds only could be collected, and I must say that there appears to me to be others whose claims on the consideration of the House are stronger and more numerous than is at present the claim of the University of London. I think it right, however, to add, that in considering the claim of this institution, Her Majesty's Government have felt that the principle upon which it is urged is a principle entitled to respect and approbation; that there is nothing fantastic or unfitting in the claim; but that it is in perfect unison with principles which are already acted upon in this House, in the case of Oxford, of Cambridge, and of Dublin. Sir, there has been another proposition made, which, I confess, has been urged with great power, and which possesses many causes why it should be entertained with the deepest consideration. We have been urged to recommend to the House to concede, at least, one Member to the Inns of Court. Sir, the four Inns of Court would, no doubt, afford a considerable and most respectable constituency—a constituency of some thousands arising from corporations that have existed from immemorial ages, that have taken a distinguished part in the history of this country, and which have sent to this House some of its most eminent Members. We did think that it was no objection to this plan, that an eminent lawyer, by the confidence of the Inns of Court, might find his way into this House without the taint of political or party connexion. We thought that, in an age favourable to legal reform, for example, it was very possible that the appreciation of his fellow-lawyers might select some student who might otherwise shrink from the coarser collisions of public life on the hustings, and yet might take his place in the House of Commons as the representative of a constituency of some thousands of honourable and learned men, and afford by his erudition and his counsel a very great assistance to the deliberations of this House. But, Sir, after giving to the question the most deliberate and the most anxious consideration we found it impossible to avoid the conclusion that it would be a hopeless task to propose to the House of Commons the allocation of one or two Members to the Inns of Court, unless we were prepared to concede the same privilege to other similar constituencies. I know there is a prejudice—which I do not share—against the too considerable appearance of lawyers in this House. I beg to say, Sir, that I do not share it, because I remember how much of our liberty is owing to our law, and is founded upon our law, and that in the most critical periods of our history, lawyers have been the greatest and most fearless champions of the rights of the people of England. I confess I am surprised, therefore, at the existence of a prejudice such as this, to which, however, I must, most reluctantly, yield. It is one I have always deplored, one which I can never cease to lament, when I recollect that lawyers have been, not only the great assertors of English liberties, but also the greatest ornaments of the House of Commons; when I remember that Sir Edward Coke and Lord Bacon both sat in this House; when I remember that the revered names of Selden, and of Somers, both belonged to the House of Commons; that in an after age this House resounded with the golden eloquence of Mansfield, and was once adorned by the majestic virtues of Romilly; and that it is our happiness to remember that amongst our Members, the esteemed descendants of some of those great men are still to be found. But though I cannot agree in a prejudice which I think unwarranted by facts, I feel it would not do for Her Majesty's Government to propose, unless the proposition were attended by some identical or analogous projects, to allot one or more of the four vacant seats to the Inns of Court; therefore, on the part of Her Majesty's Government, after careful consideration, and with the most ample desire to introduce constituencies founded upon these elements, and believing that they might contribute to the increased reputation of this assembly, I must renounce at present any attempt to form a constituency out of those interesting, but, I fear, impracticable elements.

Under these circumstances, Sir, I have now to place before the House the results of the next step in the investigations by the Government on this subject, and the course which, on the whole, they think it best for the House to follow, in order to accomplish that which they deem one of the highest duties of the House—namely, the completion of its constitutional numbers previous to the impending dissolution. In considering where we should seek for the elements of a new constituency to which to confide the possession of one of the noblest privileges that a freeman can exercise, we have had to regard the relative claims of the different portions of the community; for very much depends on the relative degree of representation which they at present enjoy, and we have thought that the relative degree of representation could scarcely be more fairly tested than by ascertaining the number of existing constituencies and the numerical strength of the populations by whom those existing constituencies are, as it were, fed, supplied, and sustained. And in looking over the different constituencies of this country, guided by this principle, there is one constituency the claims of which seem to Her Majesty's Government to be paramount, and that is the constituency of the West Riding of Yorkshire. Her Majesty's Government propose to recommend to the House that two of these seats should be apportioned to the West Riding of Yorkshire. The constituency of the West Riding of Yorkshire is, as hon. Gentlemen are aware, about 37,000. Generally speaking, the representation of the county has been, as far as the great material interests are concerned, neutralised, in the opinions of its Members, in this House. The agricultural and manufacturing interests have generally sent Members for this riding of such opposite opinions in reference to these great interests, that they have sustained a nicely-balanced power upon the important subjects connected with these interests. But on remarkable occasions, when popular feeling has been much excited, that has happened which is not unusual under such circumstances — namely, although the parties in this great district are nicely balanced, popular opinion has just given the deciding impulse to the election, and two Members of the same opinion have been sent here as representatives—as in 1841, for example—and almost a moiety of this great constituency has been practically disfranchised. Sir, under these circumstances, if the two Members were to be given without providing for these difficulties, it is very probable that the same result would frequently occur under similar circumstances, and you would have four Members returned for the county by a very small casting majority, and of the same opinions; as in 1841 you had two Members returned to the House professing Conservative opinions, who were returned by a small majority. For instance, the constituency being 37,000, I think the two Conservative Members elected in 1841 were returned by a majority barely exceeding 1,000. Under such circumstances Her Majesty's Government think the best course to recommend is, that the West Riding of Yorkshire should be divided. And if the House would permit me to lay before them the reasons which have induced us to recommend that course, and the method by which we propose to carry out this division in order to effect that object, I will at once proceed to do so. Sir, when we had arrived at this conclusion of recommending to the House the division of the West Riding of Yorkshire into two districts, each of which should be represented by two Members, we supposed that that division might be effected by availing ourselves of what I may call the natural divisions, that is the hundreds, or as they are called in the West Riding, the wapentakes. There are ten wapentakes, and by a division of these we naturally thought that our object could be effected. But when we examined these divisions, we find that they present difficulties that are insurmountable. For example, one wapentake, or hundred, out of the ten, possesses at this moment more than one-third of the whole constituency. It was, therefore, found impossible to recommend such a division. There are other reasons to prevent such a division, which at the present moment I do not think it necessary to trouble the House by detailing. We found it impossible under such circumstances to effect a proper division by availing ourselves of the natural districts of the county. That being the case, we thought the difficulties might be overcome by establishing a division of the West Riding by means of the polling-places. But as it is in the power of the justices in their court of quarter-sessions to change these districts at their will, the House will see that we were again baffled in effecting such an arrangement, because although at the present moment they might form the basis of a proper arrangement, a division of this character would not afford us any permanent boundary. We, therefore, thought it impossible to effect our object by the present system of electoral divisions. Under these circumstances a suggestion was made to us to meet the difficulty; it is one which I observe has transpired—I do not regret it; but it has led to some of the most unfounded and ludicrous representations that have ever been circulated. It was represented to us that the county magistrates of the West Riding, for county purposes, at this very time and for some period back, finding the necessity of dividing the West Riding, have constructed a division of the Riding; and we were recommended to consider that division. It appears that they have not yet formally adopted this arrangement; but they have frequently discussed it among themselves, and it has been received with great favour by gentlemen of different opinions in the county. I have this plan now before me. It proposes to take the simple and intelligible boundary of the Midland Railway, which I think I can show to the House is one entitled to their consideration. The Midland Railway enters the West Riding from the county of Derby; it then leads to Skipton; then, turning towards Colne, it proceeds until it meets the boundary of the county of Lancaster. This division would thus affect the constituency. All that part of the county lying south and west of the line, we propose to call the southern division of the county; and all that part lying north and east, we propose to call the northern division of the West Riding. Wherever a township intersects this line, we propose that it shall belong to the northern division, in order that no such township should be divided or overlooked in this arrangement. The effect on the constituency in each of these divisions as to numbers will then be this: the constituency of the northern division will amount to 17,965, and that of the southern division to 18,785. Now, Sir, I have considered with some attention a criticism that has met my eye, and which, I confess, in the liveliness of its remarks, reminded me of some observations which I have heard elsewhere. I find the great accusation brought against this proposition is founded upon this objection—that the northern division we have thus marked out is composed of an agricultural constituency. Now, I must say for myself—and I offer this as a remark rather than as an argument—if the 17,000 or 18,000 constituents in this division be composed of persons most interested in agriculture, I see no reason why they should not be represented in this House as well as any other constituency within the kingdom; nay, more, I cannot understand why an objection should be made to 17,900 persons forming a constituency in this northern division being represented by a person connected with the agricultural interest, any more than the 18,900 in the southern division being represented by a person intimately connected with manufactures. I really think that 17,000 or 18,000 independent electors in the county have a right to choose those Members they think most entitled to their confidence. But it should be observed that if this division have the effect of making one portion of the West Riding almost purely agricultural—if that be true, in the same way we leave the other division, the southern division, entirely manufacturing; and, therefore, it might be equally objected to us that we take a contracted view of this question in reference to this latter division, for it might be said that by such an arrangement the hon. Member for the West Riding (Mr. Cobden) will be its representative for life; for we are giving him a constituency that is entirely devoted to him—in fact, that the hon. Member for the West Riding will be the representative of a constituency in which no element of opposition exists. Well, if the result of this arrangement be that the hon. Member for the West Riding shall have a permanent seat in this House, I cannot say that I shall regret it. I confess that I should be sorry to see the hon. Gentleman absent from this House. Where a man has the power of influencing public opinion, it is, in my mind, much better that he should be responsible for his conduct in an assembly like this, than that he should exercise his great talents in other scenes, independently of his responsibility as a Member of the British House of Commons. But, Sir, in the map of the county magistrates which expresses their plan, I perceive that the division therein marked out is made in connexion with a simple and intelligible line of railway, by which Leeds, although a manufacturing town, is thrown into the Southern Division. We propose to follow that intelligible line of railway, but to leave Leeds in its natural position—the Northern Division. I have seen that denounced as an arrangement which would prevent the manufacturing interest of Leeds exercising its fair and due authority in connexion with the interests of the southern division. Why, the southern division is entirely manufacturing; it, therefore, wants no assistance whatever from Leeds, and by allowing it to remain in the northern or agricultural division we shall be permitting the enterprise and energy of a great manufacturing town to work in a large agricultural district. We propose that Leeds, as it ought to be, shall be the town of election for the northern division of the Riding; and we shall leave to Wakefield, its former rival, to be the election town for the southern division. I mention these details because I wish to show that we have really no selfish nor sinister design in making this recommendation. Sir, we thought it but respectful to Parliament and the country that we should ourselves, and personally, examine into and consider well all the plans that could be devised to effect the object which we have in view. We thought it due to this House to bring forward our plan so matured that we could confidently recommend that plan for your adoption which we consider more advantageous to the community at large. But this, after all, is a question of detail, belonging properly for the Committee of this House. Although I shall endeavour to support the views of the Government, and although I shall be prepared to express to the House, on another occasion, the minute details of this plan, and all those reasons which I think can be urged for the adoption of this line of demarcation, if the House shall admit the principle, we have no other object in view but that there shall be carried into effect that plan which is most agreeable to the House, as well as most advantageous to the country; and if any Gentleman can show to the House that there can be a line of demarcation more advantageous to the community, more just in its conception—one more fair in its application, and more beneficial in its results—Her Majesty's Government will be only too well pleased to support it.

Sir, it remains for me to express to the House the views which Her Majesty's Government have adopted in regard to the two other seats that are vacant. With regard to the two other seats, we have considered that on the whole we cannot be guided in the present instance by a better principle than that I have attempted to express. I would remind hon. Gentlemen that the question we have to consider now is not the large question of Parliamentary Reform—it is the important question of completing the proper number of Members in this House, with a due deference to all existing arrangements in respect to the franchise. We must, then, apportion these seats with a due regard to our existing Parliamentary arrangements. I hope that when this subject is discussed, it will be viewed with a conviction of the truth of that observation. There may be Gentlemen who disapprove of the present system upon which the constituencies of the country are based. Different opinions upon such a question may be legitimately maintained and powerfully advocated. But these questions do not enter into this discussion; which arises from the necessity of having to apportion those vacant seats with due regard to all existing arrangements in respect to the franchise, and with a due regard to the number of voters throughout the country, which, of course, must form a most material element in our inquiry when we are called upon to decide upon the apportionment of those seats. Taking these as a test of the relative claims of the different places to increased representation—taking as a test the degree of representation which they at present possess—taking, I say, their relative claims, and making such claims depend upon their present relative representation—I find among a considerable number of constituencies of counties and boroughs the city of Westminster, with a constituency of 14,800—the town of Liverpool, with a constituency of 17,400—the borough of Lambeth of 18,000. I further find these three places supported by the following amount of population, namely, in Westminster, 241,000; in Lambeth, 251,000; in Liverpool, 376,000—each of these places represented by two Members. There is, also, Finsbury, with a constituency of 20,000—supported by a population of 323,000; Marylebone, with a constituency of 19,700—supported by a population of 370,000; the Tower Hamlets, with a constituency of 23,000—supported by a population exceeding 500,000; Middlesex, with a constituency of 14,600; Manchester, with a constituency of 13,900—supported by a population of 316,000; South Lancashire, with a constituency of 21,650, with a population of between 500,000 and 600,000. Taking all this into consideration—the number of the constituency, weighing also the fact that the constituencies of the counties consist of occupying tenants of an amount greater than that required for borough constituencies; when the number of constituency is equal, we thought that we ought to decide in their favour, rather than in that of the borough constituencies, which are only of a lower qualification. [In answer to an Hon. MEMBER] Where constituencies are formed of occupying tenants, say of *50l.*—or what you like—it shows, as regards the material of the constituencies, there is equally a population which, irrespective of them, may also rank with the 10*l.* franchise in the boroughs. Taking also into consideration what I call in the counties the surplus population, irrespective of that population which is located in the limits of the boroughs, and taking also into consideration—which must not be omitted—what may be fairly called the permanent element of national wealth, which must not be omitted from consideration, Her Majesty's Government have resolved to recommend to the House to apportion the two remaining seats to the southern division of the County of Lancashire. Sir, I have been told that the votes have been lost to the towns, and that they ought to be given to the towns. Her Majesty's Government are fully aware that this is an objection that is easy to make; but it is most difficult to sustain. No one more admires the energy of the great towns than myself. I do not wish, however to mix up either their present proud position or their future fortunes with the degraded memories of St. Albans or Sudbury. Sir, I cannot think that the Members taken from those boroughs could either sustain their energies or add to their value. Let the House, however, recollect that in recommending the apportionment of those four seats to the West Riding of Yorkshire and the Southern Division of Lancashire, we are including in these two county constituencies scores of towns four times larger than either Sudbury or St. Albans. If you take the surplus population of South Lancashire and the West Riding of Yorkshire—if you take that portion of the population which is not admitted within the pale of any borough constituency—you have upwards of 1,400,000 persons who are directly or indirectly represented now by only four Members. We propose that they shall be in future represented by eight Members—that is our proposition. And if you look at the population of any of our greatest boroughs and constituencies brought under our consideration, you will not find one of them that equals the surplus political population of the West Riding, or South Lancashire; and you will not find any two, or any three, or any four of those great constituencies, equal to that united population to which I have referred. We propose then, in regard to South Lancashire, for the same reasons, in order that the minority, whether it be Liberal or Conservative, whether it be agricultural or manufacturing, may be truly represented, that South Lancashire shall be also divided. South Lancashire consists of two hundreds—the hundred of Salford, and the hundred of West Derby. The hundred of Salford includes the flourishing city of Manchester, and the hundred of West Derby the famous port of Liverpool; therefore there is a natural and well-understood line of demarcation. The result upon the constituency will be, that the hundred of Salford will contain about 12,000 of a constituency, and the hundred of West Derby about 9,500. Sir, there are some details with respect to this division which I might mention if the House would sanction them; but I think the House will excuse them at present. I have thus endeavoured to place before the House the intentions of the Government; and to show the various considerations which have induced Her Majesty's Ministers, with the utmost impartiality, to recommend this plan to the House. There is no popular suggestion that has been supported by an amount of opinion entitled to respect, which we have not gravely considered. It will be most gratifying to us if we have succeeded in recommending to the House such a proposition as may create a constituency that will command the respect of this House, and of the country at large. Desirous to do that which we think most advantageous to the community, we have thought proper, in deference to the pledge which we previously gave, and in pursuance of that duty to the Sovereign, which we acknowledge, to bring this proposition before Parliament; and, Sir, whatever may be its fate, in making this proposition, we are convinced we have only done that which was incumbent upon us as Ministers of the Crown to bring this proposition before Parliament. Whatever may be the result of it, we are confident that we have only done our duty as Ministers of the Crown in submitting it to the consideration of this House. It is obviously a question of the greatest importance that the constitutional number of the House of Commons should be completed, and that that continuous and systematic deficiency of our number, which is perilous to the welfare of the country and to the honour of this House, should be removed. If these propositions are adopted, we believe that public opinion will sanction them, that they will contribute to the welfare of the community, and tend to increase the strength and the lustre of the House of Commons.

Motion made, and Question proposed—

"That Leave be given to bring in a Bill to assign the Seats forfeited by the disfranchisement of the Boroughs of St. Albans and Sudbury."

Mr. GLADSTONE: Sir, after the speech of the right hon. Gentleman I do not feel either entitled or disposed to impute to Her Majesty's Government any sinister object in the introduction of the present measure; neither shall I impute to the right hon. Gentleman that he has taken the House by surprise, nor that he has tampered with an honourable understanding; because the right hon. Gentleman has with perfect correctness cited the announcement which he himself made to us on a former occasion. He has also done me the justice to refer to an objection which, at the first moment of that announcement, and without communication with any others, I was prompted to make. But the right hon. Gentleman did not state accurately the grounds upon which I rested that objection. I did not suggest to the House that it would be wrong on the part of the Government to introduce a measure of the kind because they were suspected of a clandestine intention of procrastinating the dissolution of Parliament. What I ventured to say was this, that it was part of the constitutional duty of the House of Commons to obtain from Her Majesty's Government a pledge that no measures other than those of immediate urgency should be introduced, and that a measure for the appropriation of the four seats vacant by the disfranchisement of St. Albans and of Sudbury could not, by any latitude of construction, be brought fairly within the description of measures of that kind. I shall not join issue with the right hon. Gentleman in any degree upon the merits of the proposition which he has just submitted; but I shall endeavour strictly to confine myself to the consideration of the question, whether the subject to which he has directed the attention of the House is one into which at the present moment the House ought to consent to inquire. I shall, therefore, instead of meeting the proposal by a direct negative, suggest that the House should pass, in the usual phrase, I believe, "to the Orders of the Day." The right hon. Gentleman states that he proposes this measure to the House upon constitutional grounds; and I am entirely in agreement with him so far as the opinion goes, that it is a question of constitutional principle, either one way or the other. If the right hon. Gentleman had succeeded in showing the constitutional urgency or the necessity for the settlement of the question, I grant that the House of Commons ought to give him leave to introduce the Bill; but if he has failed in showing that constitutional necessity for now bringing forward these constitutional arrangements, I shall endeavour to urge, upon the other hand, that this is no trivial or optional matter that we are engaged in considering; but that a strong constitutional principle demands of us to refuse to the Minister the leave which he has asked of us for the introduction of his Bill. I came down to the House with some degree of curiosity with respect to the nature of the arguments which might be adduced, upon constitutional grounds, in favour of the present proposition. This is a proposition which, at the present moment, with a House of Commons which, in the emphatic and imaginative language of a noble Friend opposite, has been designated a "moribund" House of Commons—with this "moribund" House of Commons, with an Administration which does not plead the title of possessing confidence, but is about to ask for a title of confidence by an appeal to the people, it is urged upon us that we should proceed to dispose of those unappropriated seats in order to fill up the constitutional number of Members of the House of Commons. The right hon. Gentleman has an especial affection for the phrase, "constitutional number,"—master of diction as he is in all its forms, he has reverted to that phrase over and over again in the course of his speech. He has evidently some idea in his own mind associated with the phrase of the gravest importance; but I am bound to say that, so far as I may take my own perceptions as a test, he has but very imperfectly, or rather not at all, developed that idea to the House. The right hon. Gentleman makes the admission, that there is no "magic" and no "cabalistic" virtue in the number "658." He is quite right: there is neither magic nor cabalistic virtue in it. But is there any virtue of law in the principle of the Constitution—is there any solemn decision of the House of Commons—is there anything in fact beyond mere accident and the duration of about forty years, which the right hon. Gentleman decorates with the title of "prescriptive," that should recommend the number "658" to our notice? There is a popular error on this subject—there is, I believe, an idea in the popular mind that the number "658" represents the great balance of interests in this country; and that it is the number ascertained by the study of our statesmen and legislators, and that it is our duty to guard that sacred number with fidelity, and watch it with jealousy. I believe that to be entirely a misapprehension on the part of the public—I do not believe there is any "magic" in the number, and I will dispense with any claim upon the right hon. Gentleman to show it, if he will only show us that there is any law on the subject. I do not believe that he will be able to find that number distinctly stated in any one single Act of Parliament relating to the representation of the people in this House. What we do find is this—that at the time of the passing of the Act of Union with Scotland, in order—as it was a junction formed between parties of very unequal power—to secure the weaker of these two parties, a certain number of representatives was stipulated, below which number it was not to be called to send Members to the House of Commons. The stipulation on behalf of Scotland was, that it should send forty-five Members, while for Ireland, at the time of the Union, the number stipulated was 100. But these Acts of Union state no limit whatever to the total number of Members of the House of Commons; and when you consider that the Act of Union with Scotland was passed at a time when within the memory of man the power of enfranchisement had been exercised by the prerogative of the Crown, we see plainly that the Legislature of that day had no intention whatever of fixing upon any maximum number, but intended to reserve it entirely for discussion and the teachings of practical experience to reduce or extend, as might seem convenient, the total number of Members of the House of Commons. Such was the case at the time of the Union with Scotland; and in the case of the Union with Ireland you have a distinct proportion of Members allotted; but in neither of these great constitutional acts are there any indications whatever of any intention to fix and determine a maximum number. The number 658 is, I will not say a magical or cabalistic number, but it was never intended to be the legal and constitutional number which composes the British House of Commons. We come, then, to this very awkward fact—one which the right hon. Gentleman has admitted, notwithstanding all the dignity which he has bestowed on this title of prescription, and the warning which he gave of the danger of disregarding and undermining their time-honoured and venerable constitutional number—that we have to recollect that up to the present time, as a matter of fact, circumstances have existed at variance with this presumed prescription; for the right hon. Gentleman himself spoke of the danger of remaining in a state of "continuous" and "systematic" deficiency in this respect. But if the deficiency has been "continuous" and "systematic," where then is the prescription? A portion of the deficiency which is now sought to be made good, has existed for several years; for the House will recollect that the Act disfranchising Sudbury was passed in 1844. Since that time eight years have elapsed—since that time we have had three Ministries of all parties in the State—since that time all parties have been successively in opposition—and no Member of that Opposition, including the party now opposite, has ever called upon the House to vindicate this sacred prescription, or has pleaded these constitutional numbers, or has said one single word upon the necessity of raising this number to the usual standard; and thus, although we have had the very same occasion as we have now—although we have passed through the ordeal of a general election during that time, and although we have 656 Members returned to Parliament instead of 658, the right hon. Gentleman towards the close of his speech, appealing to our fears, has stated that he thought a condition of things like this was a condition that was dangerous to the country, and menaced the honour of the House. I must confess, Sir, it is the very first time at which I have heard a regret expressed at the reduction of the number which has been consequent on an accident, as the original fixing of the standard was consequent on an accident before. It appears to me that it is a pure question of convenience and policy, and nothing else, what the number of Members of this House shall be. But, setting aside private opinion, whether that private opinion may be my own, or the opinion of the Minister of the Crown, the point I put to the House is this, that the right hon. Gentleman was bound, in order to make good his case, to show that there was something of constitutional sacredness or real and venerable prescription, attaching to those numbers. On the contrary I think I have shown by reference to our great legislative instruments that the number does not even exist in them—that the attempt of the right hon. Gentleman to show that it is the constitutional number has entirely failed, and that he cannot make any claim upon the confidence of the House consequent upon his having established such proof of their being the constitutional number. But if such be the case as regards the argument to show that this question ought to be entertained, upon the other hand, I hope that hon. Members will recollect that those who take the view I now humbly endeavour to recommend, are not now taking and now arguing that view upon any ground of mere etiquette or punctilio. I quite agree with the right hon. Gentleman that it would have been unconstitutional if the Government on coming into office had pledged itself absolutely to the introduction of any given number of measures, and no more, and had pledged itself then to advise a dissolution. But it was constitutional, it was right, for us to expect from them what they should give, and to ask—what they conceded—not the fixing of a certain number of measures—three or four, or whatever the number might be—but it was the laying down a principle, it was the laying down what I may fairly call an engagement; because, although I may contest the construction which the right hon. Gentleman puts upon that engagement, the latitude of its scope, I at once concede to him there is not the slightest intention on the part of the Government to endeavour to escape therefrom. But, Sir, the principle was this, and the understanding was this—that no measures except those of immediate urgency were to be submitted to the judgment of the House of Commons during the present Parliament. This was variously stated on various occasions. Sometimes it was said that none except necessary measures were to be submitted to the judgment of the House of Commons before the dissolution. On one occasion, I believe, the right hon. Gentleman carried his language so high as to say that the Government would not introduce to Parliament any measures except those of absolute and indispensable necessity. I do not wish to stand on one particular expression or another, because I feel the substance of the understanding was clear in the mind of every one who hears me, and that I am not stating it too highly or strongly when I say that the understanding which was made and obtained from the Government was an understanding that no measures but those of immediate urgency should be submitted to Parliament before the dissolution. And I must remind the House that neither did that understanding rest upon any narrow ground. On the contrary, it was sought and it was obtained in vindication of principles of the highest importance and for practical objects of the greatest moment—it was in vindication of the constitutional principle, that a Government which found itself at issue with the existing Parliament on a cardinal point of its policy, was bound to take one of two alternatives, namely, either to resign office—a course which no one recommended under the circumstances—or else to make its appeal to the people. This was the constitutional principle which it was sought to vindicate. But there was another object which Parliament had in view; and that was to discharge its solemn duty to those great principles of commercial policy which we are bound, I think, to see well brought into haven, and that at the earliest possible moment. I am sure, Sir, it is a fallacy against which every man ought to guard, if we suppose that because a Government are in power, and the principles of our law in regard to commerce have not been altered by positive measures, therefore we are to rest satisfied. It would be, I think, no fulfilment, but an abandonment, of duty, to be contented that the matter should so remain. It has been admitted on that side of the House that it is a solemn duty upon us all to bring this question to a formal and a final issue. That can only be done, as the leader of the Government has stated, and as the other Members of the Government have allowed—that can only be done by an appeal to the people by a dissolution; and, therefore, in asking for a dissolution it is not for any partial or party object; but it is because, if there be one duty more clearly incumbent than another at the present time upon that large majority of the House of Commons who have upon repeated occasions testified their own cordial adhesion to the principles of free trade, it is this—that they should not be content, whatever may be said of the existence of the minority—that they should not be content to leave those principles to exist on sufferance; that they should not be content to leave those principles to the mercy of the chapter of accidents; that they should not be content, I frankly own, to leave those principles, as matters now stand, in the guardianship of Gentlemen whose own inclinations, without doubt or disguise, are opposed to them; but that we should expedite that process which the Prime Minister has justly and fairly proposed, namely, the process of obtaining a deliberate judgment of the constituencies in regard to the principles of our commercial legislation; and that, having obtained that deliberate judgment of the constituencies, we should then find the present Administration in a condition to lay down the course of policy by which they intend to be guided; and if they find the opinion of the public is adverse to a change of the policy which has recently been pursued, then that they should frankly confess and submit to that state of facts, so that at length this great controversy may be ended, and the machinery of the Constitution may fall into its usual course and order. Now, Sir this is a question not relevant to the merits of the proposal of the right hon. Gentleman as compared with other proposals, and not involving any invidious or acrimonious conduct; it is a question strictly relative to the introduction of a Bill, and the inquiry whether it ought to be entertained at all, which I wish mainly to press upon the notice of the House. And yet, Sir, before I sit down, I cannot avoid pointing out, that inasmuch as it is clearly shown that there is no constitutional ground of claim for the introduction of such a question at such a period, there is, on the other hand, a great inconvenience attending its introduction. In the first place, surely it is a sound canon of Parliamentary proceedings, that of all measures whatever, except those of immediate urgency—under all circumstances, and without the slightest reference to this at the present time—the eve of a dissolution of Parliament is the worst possible moment for their introduction, because it is plain it is a moment at which local partialities and personal interests are most alive, and at which there is the most difficulty for a Member of the House of Commons to give a deliberate and dispassionate judgment. But, beyond that, I will say this is a question with regard to which two essential conditions for consideration entirely fail at the present moment. The first of those conditions is this—although the scale of the subject be a small one—although it may appear to be no great matter what may be done with so small and insignificant a fraction of the representation as four seats, in the number which formerly amounted to 658—yet it is plain that this is a question of high policy, deserving of the most serious consideration; and, of all others, it is a question that ought to be approached once for all—it ought to be approached when it can be settled. Those seats ought not to be held up to the country as a prize for every man to snatch at. The matter ought to be discussed and settled, not in an unsettled and provisional state of things like the present, but when you have an Administration in possession of definite and decided political power. The right hon. Gentleman has already seen some indications, and has already mentioned some indications, of the disposition of all parties who are not represented, or who think they are not sufficiently represented, to catch at the possession of the vacant seats. Well, but surely these are claims which ought to be settled, not at haphazard, not by accidental divisions amongst parties nearly balanced, in a disorganised state of the House of Commons; but any proposal made for disposing of the claims to these vacant seats, whether they be one or a thousand, ought to be a proposal backed by the whole authority of a strong Executive, and a proposal which, when once seriously entertained, ought not to leave the table of the House until a definitive conclusion has been arrived at. I would also remind the right hon. Gentleman that there are great difficulties in this case to which he has hardly adverted, and which he, perhaps, found it necessary to pass over. I have said that it is essential to the interests of the country that when you decide a question, you should decide it under the advice and guidance of a Government in full possession of power. All questions touching the representation of the people are of so vital a character that they can only be settled on that condition. But, besides that I say, when you consider the multitude of parties who all think they can make a fair and plausible claim to the possession of these seats, you are bound to consider what is due to them, and to the feelings which they entertain. I do not say you can please them all; but you are bound to satisfy all that they have had a fair hearing and a full consideration of their case. Nay, I may put it to the right hon. Gentleman and the House whether he thinks this House of Commons, this "moribund" Parliament, is in a condition at this moment to give a fair hearing and full consideration to all those different claims. The right hon. Gentleman has alluded to some of those claims. He alluded to the claims of the Universities, and he says, in the case of the Universities of Scotland, the claim is based upon a title to respect and approbation, and if I rightly understood that portion of the right hon. Gentleman's speech, the upshot of it was this—that it was in consequence of the want of machinery that he had forgone the idea of entertaining the question of representation so far as regards the Scotch Universities. But suppose time were given, and that the representatives of the Universities of Scotland should find that substantially a degree means nothing but a certificate of attendance, and that they can certify that attendance by other means—that there are records of it on the books—that they can fix upon something by which that condition may be satisfied, and you can constitute a proper register—I do not prejudge the question; but I say it a question on which all parties ought to be fairly heard, and you cannot hear the Universities simply because you do not find a registry in existence, and between this time and the dissolution it is impossible to organise the machinery to create one. If such be the case of the Scotch Universities, I may say the same of the Inns of Court, whose claims ought to be heard and considered. And there is also another class of claimants—the class connected with unenfranchised towns. I do not enter into the question whether the Scotch Universities, or the Inns of Courts, or the unenfranchised towns, or the old constituencies ought to receive these seats; but I say it is our duty carefully and thoroughly to examine and investigate the question—it is our duty to enter upon the question when, at any rate, we have a free and unembarassed choice, and not to narrow the field of our own choice by choosing precipitately at a time when we are precluded on this side and on that from conferring the franchise on new constituencies. For instance, I will say frankly that when the late Government proposed to confer the franchise on two large towns now unenfranchised—Burnley and Birkenhead—I had not had the opportunity of examining their claims, and I express no opinion upon them; but I say it would be rather hard if we were to pass by the claims of those parties by legislating at a period when it is impossible for the House to entertain them. The House cannot now legislate in their favour, because they have no registry. That is an absolute bar which cnnnot be surmounted. What I ask is this—can you expect the people of Burnley and Birkenhead, or other places similarly circumstanced, to be satisfied with the verdict the House of Commons shall give, if you are determined, without any constitutional sacredness or necessity whatever, to go to issue upon those questions at a time when it is matter of physical impossibility to bring them within the sphere of representation? Now, Sir, these are the reasons on which I hope the House will decline to entertain the proposition of the right hon. Gentleman. I should be sorry, indeed, if I had omitted to notice any argument of the right hon. Gentleman on the subject of the number of Members composing this House. I feel there is something in his own mind which he has not opened out and explained. I feel there is something in the phrase "constitutional number" which I have not been able to fathom. All I have been able to do is to observe what has taken place in history, and to consult the laws which are upon our Statute-book. From all these it appears upon the clearest evidence that the idea of any legal title or constitutional virtue attaching to the number 658 is as pure a fiction as ever entered the mind of man. It appears as a matter of fact, patent and notorious to all the world, that for the last eight years, during three Ministries, and with a general election intervening, we have fallen short of that "constitutional number." Such being the case, I put it to the House that there is no title of a constitutional character to be made for the measure; that, on the other hand, we are under high constitutional and political obligations to go straightforward to a dissolution, and to deal with nothing between us and the dissolution except matters of immediate and temporary urgency; and that even when we turn to considerations of detail, so far from this being the time when there is a peculiar convenience in the entertainment of the present question, it is, of all periods, the worst and most inconvenient that could be selected, and a period at which—if we precipitately hurry a decision—it is impossible for us to expect that that decision shall give satisfaction to the many claimants upon those franchises whom we are bound to hear, or to the people at large, who view necessarily with the utmost interest the decision and disposal of a question appertaining to the representative system of this country. Sir, I now beg to move that the House do now proceed to dispose of the Orders of the Day.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House do pass to the other Orders of the Day," instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 148; Noes 234 : Majority 86.

List of AYES.

Acland, Sir T. D.
Adderley, C. B.
Anson, Visct.
Bagge, W.
Bailey, C.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, T.
Barron, Sir H. W.
Barrow, W. H.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Blandford, Marq. of
Booker, T. W.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Broadwood, H.
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Butler, P. S.
Carew, W. H. P.
Chandos, Marq. of
Child, S.
Christopher, rt. hn. R. A.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Collins, T.
Copeland, Ald.
Cotton, hon. W. H. S.
Davies, D. A. S.
Deedes, W.
Disraeli, rt. hon. B.
Dod, J. W.
Dodd, G.
Duckworth, Sir J. T. B.
Duncombe, hon. W. E.
Dunne, Col.
Edwards, H.
Evelyn, W. J.
Fellowes, E.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Freshfield, J. W.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Goold, W.
Gore, W. R. O.
Granby, Marq. of
Greenall, G.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Heard, J. I.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hope, Sir J.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knox, Col.
Knox, hon. W. S.
Lacy, H. C.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
Masterman, J.
Maunsell, T. P.
Meux, Sir H.
Moody, C. A.
Morgan, O.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. J. G.
Nugent, Sir P.
O'Brien, Sir L.
Pakington, rt. hn. Sir J.
Palmer, R.
Peel, Col.
Plowden, W. H. C.
Portal, M.
Renton, J. C.
Repton, G. W. J.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stanley, E.
Strickland, Sir G.
Stuart, H.
Sullivan, M.
Taylor, Col.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Tyler, Sir G.
Tyrell, Sir J. T.
Vesey, hon. T.
Villiers, Visct.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Whiteside, J.
Wigram, L. T.
Wynn, H. W. W.

TELLERS.

Mackenzie, W. F.
Bateson, T.

List of the NOES.

Adair, R. A. S.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Bell, J.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blackstone, W. S.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Brown, W.
Bunbury, E. H.
Buxton, Sir E.
Campbell, hon. W.
Cardwell, E.
Carter, S.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cobden, R.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Corbally, M. E.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Currie, H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, J. E.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglass, Sir C. E.
Drumlanrig, Visct.
Drummond, H.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Egerton, W. T.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Goulburn, rt. hon. H.

Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grattan, H.
Greene, J.
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hayes, Sir E.
Headlam, T. E.
Heneage, E.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hogg, Sir J. W.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Hume, J.
Humphery, Ald.
Hutt, W.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Keogh, W.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Laslett, W.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Magan, W. H.
Meagher, T.
Mahon, Visct.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Melgund, Visct.
Milligan, R.
Milnes, R. M.
Moffatt, G.
Molesworth, Sir W.
Moncreiff, J.
Moore, G. H.
Morris, D.
Mowatt, F.
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
O'Flaherty, A.
Osborne, R.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Pennant, hon. Col.
Perfect, R.
Pilkington, J.
Pinney, W.
Ponsonby, hon. C. F. A. C.
Power, N.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Rice, E. R.
Rich, H.
Romilly, Col.
Russell, Lord J.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scully, V.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanley, hon. W. O.
Stanton, W. H.
Staunton, Sir G. T.
Strutt, rt. hon. E.
Stewart, Adm.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Trevor, hon. T.
Tufnell, rt. hon. H.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walmsley, Sir J.
Walter, J.
Wegg-Prosser, F. R.
Westhead, J. P. B.
Willcox, B. M.
Williams, W.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Hayter, W. G.
Berkeley, G.

Words *added*:—Main Question, as amended, put, and *agreed to*.

Resolved—That this House do pass to the other Orders of the Day.

MILITIA BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

Clause 7.

MR. HUME said, this clause contained the essence of the Bill, which was to create an army of reserve of 80,000 men. If the Government must appeal to the country upon the question of distributing the vacant seats, he hoped they would also appeal to the country upon a matter of such grave importance as this, and not proceed further with the measure at present. He could conceive nothing more important to the Government in a financial point of view, or as it regarded the content or discontent of the people. Every sitting of the House brought petitions against this Bill; and if the cogent reasons for postponement offered by the right hon. Member for the University of Oxford (Mr. Gladstone) applied to the last question, they applied, in his (Mr. Hume's) opinion, with much greater force to the present Motion. Seeing the situation of the country, he trusted Her Majesty's Government would say this was a fit subject to be postponed; and if it should be brought forward in a new Parliament, and he should be returned to that Parliament, he should meet it with that moderation which a question of this great importance demanded. He was as anxious as any man to make our defences effective, but, having seen so much money squandered in useless establishments, and believing that the expenditure contemplated under this Bill would also be useless, he should move that the Chairman do now report progress, asking the Government to appeal to the country upon a question for which, it was admitted on all hands, there was no urgent demand. The noble Lord at the head of the late Government introduced the question as one of urgency. The right hon. Gentleman the Secretary of State for the Home Department mooted the question as one of great urgency. But both sides now agreed that it was not a question of urgency, but of permanent establishment. He submitted, therefore, he was not unreasonable in asking that it might be referred to the country in the appeal which was about to take place.

MR. WALPOLE said, the proposition

of the hon. Member was not a very reasonable one. There was a great distinction between this question and that on which the right hon. Member for the University of Oxford had spoken. In the latter case the question was whether the House considered it ought to go on with a proposal for filling up the vacant seats; and the House had refused to entertain that proposal. But with regard to this Bill, the House, instead of refusing to entertain it, hod affirmed it by repeated majorities. Under these circumstances, they (the Government) should bow most readily and cheerfully to the decision of the House in the one instance, and he thought the opinion of the House upon the other question ought to influence hon. Gentlemen.

Mr. HUME said, he should withdraw his Amendment, and take the opinion of the House upon the clause, which he hoped a majority would reject.

Mr. BRIGHT said, he was distinctly of opinion that the Bill would not have received such consideration and favour from the House, had it been introduced under the very different circumstances in which it now stood. He said that circumstances had greatly changed since they last discussed this measure. The noble Lord the Member for the City of London said, that he did not think there was any urgency for the Bill, and that he had no fear of immediate danger; and the noble Lord at the head of the present Government had made on Saturday night a speech which was essentially a peace speech. Besides, the right hon. Gentleman the Home Secretary, by withdrawing the ballot for a year, had given the militia force all the character of an army of reserve, who were therefore to be regarded as troops of the line, only that they received a larger bounty and were only to spend a certain time in training, instead of being permanently embodied. A circumstance had likewise happened to-night which he thought most important. There could be no doubt whatever, and he thought no one on the opposite side of the House would dispute it, that the division to-night was not unexpected by the Government, and he was not sure that it was not sought by the Government. He believed that the object of the Government was now to fulfil the engagement into which they had entered—that Parliament should be speedily dissolved with a view to meeting in the autumn, when the present dislocated state of the House would not interfere with the fair consideration of public business. The right hon. Gentleman the Chancellor of the Exchequer had proposed to-night to introduce a measure of the most important character. He (Mr. Bright) thought there were points in it which were not noticed by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) quite as important as those to which he had alluded in the speech he had just made. The House came to a division immediately after one speech on each side. Such a thing was scarcely known with regard to a question introduced by the leader of the House of Commons. He doubted whether the hon. Member for Montrose (Mr. Hume), or any hon. Gentleman who had sat in that House as long as the hon. Member, could recollect such an instance. And a majority of not less than eighty-six had emphatically and at once voted against even entertaining a proposition which the leader of the House of Commons and a distinguished Member of that House had introduced. That showed that the Government did not enjoy that which was understood as meaning the confidence of the House of Commons. The right hon. the Secretary of State for the Home Department said, this military question was different, because it had been received by the House with large majorities. He (Mr. Bright) denied altogether that any majority of that House had expressed an opinion beyond this—that the question of the public defences was one which required consideration, and that there was ground for believing that the defences of the country were not in a satisfactory condition. But he denied that a majority in that House had expressed any opinion in favour of a militia proposition, and if hon. Gentlemen took their own (the Ministerial) side of the House, they would find nearly every military man objected to it. Every one of them on that (the Opposition) side objected to it; and the press told them that all military men out of the House took exception to it. The votes of the majorities which the right hon. Gentleman claimed were given in favour of greater attention being paid to the question of defences. That was something, and was probably necessary; but he submitted that, in the present condition of Parliament, it was much better that this question should not be huddled up without being a question of immediate necessity, and that it should be left over to that, which was the highest tribunal to which appeal could be made in this country. This question involved the expenditure of 750,000*l.* in the next two or three years; it involved the raising of 80,000 men for martial occupation, who were now engaged in industry; and at the close of this year it would involve, in all probability, the calling out of the people by ballot, which was but an organised and arranged system of pressgang, from various classes, to become members of the force they were about to embody. He begged to direct the attention of the Committee to the speeches at the Mansion-house on Saturday night. He would not describe the fare provided by the distinguished people who had the arrangement of these entertainments; but his attention was drawn to the speeches, and to those speeches he wished to draw the attention of the Committee. The speech of the noble Earl at the head of the Government was essentially a peace speech. The noble Earl gave the strongest reasons for believing that between this and every other country, especially between this country and France, there was no question in dispute or in agitation which could require or justify the raising of an additional force in this country. And if they turned to the speech of the French Ambassador, then present, and who spoke, not only for his own Government and for his own country, but for all the *corps diplomatique* who permitted him to represent them on that occasion, they would see that—unless these distinguished men, the noble Lord the Prime Minister and the French Ambassador, were men whose words were not to be trusted upon any question, they gave the most satisfactory assurances—the most explicit and reiterated assurances—not only that there was no question in dispute, but that feelings of the most perfect amity and the most perfect confidence existed between this country and France, and between this country and all the other important countries in the world. And if that were so—and he did not read speeches of Prime Ministers and French Ambassadors as speeches of persons who were stating what they did not believe—he read them with a consciousness that they were stating what was true—if that were so, those speeches had been read by this time by scores of thousands of intelligent persons; and he would ask what would those intelligent persons say, if they believed the Prime Minister and the distinguished men at that dinner—if they believed those facts to be facts—what would they think if Parliament and the Government insisted upon urging through, under the circumstances of the present Session, a measure which he ventured to say was more important, and, on many points, more to be dreaded, than any measure of a military character offered to the House of Commons since the year 1815? Then if that were the state of things, and if there were no symptom, no expression, of public opinion in favour of this Bill—if they could not point to a single paper in London which advocated the measure—if the provincial press, almost without a single exception, was against it—unless the Government could upset their own case, for it was Lord Derby's case with which he was now dealing, they could not expect to be allowed to proceed with this Bill until something more had been said by the Government, and till the House of Commons were informed that the speeches at the Mansion-house, and the statements of the distinguished persons present, were not the real truth, but were intended to conceal the truth, and that there was a danger against which we ought to be prepared. He was of opinion that the course they were taking was calculated more than anything else to produce the result they were proposing to avoid. He saw that morning, in a respectable provincial paper, an extract from a letter received by a gentleman in a town in the north of England, from a friend of his, for many years resident in Paris, in which he said that to his certain knowledge one of the Ministers of the French President had stated to an English gentleman at Paris that he knew of nothing so calculated to create unfortunate feelings between France and England as the discussions going on in this House and in this country; and he stated further, that he had himself prevented, in the plenitude of that power which the Government of France, unfortunately as he thought, now enjoyed, all extracts from English papers calculated to excite ill feeling in France against this country being inserted in the French journals. If they had been inserted, nothing could have prevented the stimulation of a feeling of antagonism and suspicion, like that attempted to be created here; and if the Government of France had had any designs against England, what was more easy than to have allowed extracts from English papers and extracts from speeches in that House to have been published all over France, whereby feelings of anger might have been excited, akin to, if not worse than, those which in this country had been aroused? He had now shown the Committee that, judging from the press, from meetings and from petitions, there was not the slightest demand for this measure, but general apprehension of its passing. He had shown them also that, taking the speeches of the noble Lord at the head of the Government and of the French Ambassador, speaking in the names of the ambassadors of the chief countries in Europe, every ground upon which they had endeavoured to persuade Parliament to consent to this measure had no foundation whatever, and had sunk entirely from under their feet. He had shown them that which he need not have shown them, for it was patent to every one —Government had proposed a measure, and had been outvoted by a majority of nearly 100. He had argued that such a vote must precipitate a dissolution of Parliament, which the right hon. Chancellor of the Exchequer said the other night was not remote but imminent. He argued that it was more imminent from what had taken place to-night, and that he was fairly entitled to ask the Committee not at once to divide on this clause, but to appeal to hon. Gentlemen opposite whether the Government would not even now consent to postpone this Bill for their own better consideration in the recess, and the more impartial consideration of Parliament after a general election. If the right hon. Gentleman the Secretary of State for the Home Department should say that was an unreasonable proposition, what could be more reasonable than that he should postpone the Bill to some other day this week, Thursday or Friday, that the subject might be again considered by a Cabinet which it would be an insult to their common sense and to their common patriotism were he to assume that a single Member of it was wishful this measure should pass into a law? It was one of those unpleasant legacies left them by their predecessors. They were not to blame for the original idea. They were not to blame that a Militia Bill should have been introduced into the House. They were not to blame for asking for 80,000, when the first proposition was for 120,000 men. But they were to blame if, seeing the arguments which had been brought against it, and the general opinion of the country, and looking at the condition of Parliament, they persisted in doing that which every man felt, even on their own side, they were unable to defend by arguments, though supported by majorities. Upon these grounds, if the right hon. Gentleman would not postpone the Bill till next Session, he called upon him for the reasons he had given to defer it until Thursday or Friday. If he persisted, they who acted with him (Mr. Bright) could not prevent the measure being passed; but, having strong convictions on the subject, it would be their bounden duty, though an impotent minority, to resist to the utmost of their power the further progress of the Bill.

Mr. JACOB BELL submitted that if there had been any desire on the part of France to interfere with us, she could not have had a better opportunity than the interval during which we were left without any government, or the possibility of taking measures for the national defence. He entirely agreed with the hon. Member for Manchester, that the circumstances were now entirely changed, and he trusted the Government would accede to the hon. Member's proposition.

Mr. W. J. FOX thought there were other reasons which should induce the Government to pause in proceeding with the measure besides the division to-night, to which he would not refer. One reason was the remarkable change which had taken place since this Bill was first introduced. It was then strongly impressed upon the House that two successive Governments had each declared that it was a measure of urgency. The inference was, that certain facts were known to those Governments in their official position which it would be imprudent to disclose, but that those facts were sufficient to ask the House, upon their authority, to proceed with the measure. No longer ago than the last night the House sat, the noble Lord at the head of the late Administration (Lord John Russell) distinctly stated that there was no urgency, no fears of immediate danger, no suspicion of designs by a person who presides over a neighbouring country. If there were any immediate danger, the noble Lord must have been acquainted with it. The succeeding Government had postponed the only feature of the Bill connected with the question of urgency—the right of raising men by ballot—until the end of the present year. Thus by the express words of one Government, and, what was stronger than words, by the acts of another Government, they had a contradiction of the impressions under which many had previously voted. They had now the conjoint assurance of the two Governments that it was not a measure of urgency—that there was no occasion for any precipitation whatever in its passing through the House. The inevitable conclusion was that there was no immediate apprehension—that no peril whatever would be incurred until the new Parliament assembled. This was not a measure of national defences against impending dangers. It was really a step towards a change in the policy of this country—a step towards making it more a military country, and giving it a different position among European nations, who measured their strength and importance by their arms. It was not strange that official persons should desire to change the policy of this country. It was, no doubt, a very gratifying thing for those who conducted the diplomacy of this country to be able to confer upon the supposition that there were certain great armies at their back to enforce their arguments. He would not say whether such a policy was or was not desirable. The present was not a time to enter upon that question. It might be that, in the opinion of a great majority of the people of this country, it was glory enough for any nation to be the greatest of naval and commercial empires that the world had ever seen. But if the question raised was whether the House of Commons was content to make England a more military power, that was a question for a new Parliament calmly and deliberately to consider, and certainly not a question hastily to be carried through what was very properly called a merely moribund Parliament. The statement of the right hon. Chancellor of the Exchequer led many to suppose that free trade was at last a settled matter. Since that time various expressions had been used in that House and elsewhere which produced a contrary opinion, and led the people to apprehend that in some form or another an attempt would be made to reverse it. Now, Her Majesty's Government could not urge on a matter for forming an army of reserve under more inauspicious circumstances than by connecting it in the minds of the people of this country with an attempt to re-establish the corn laws, or something equivalent to the corn laws. They would regard as a most ominous conjunction the revival of protection, or an equivalent to protection, and the revival of a militia force. He was urging this in no hostile spirit, but upon the ground that it would be politic and prudent for Her Majesty's Government to postpone this question to a period not far distant—namely, upon the assembling of a new Parliament.

Mr. WALPOLE said, it was not very reasonable to be called on to go into repeated discussions on the principle of the Bill, and it was not out of any disrespect to hon. Gentlemen opposite, if he declined to enter into the general arguments. But there was one point, to which the hon. Member for Oldham (Mr. W. J. Fox) had alluded, which he begged to explain, with reference to the assertion that the noble Lord at the head of the late Administration had changed his views of the urgency of the measure. The noble Lord, when appealed to by the hon. Member for Finsbury (Mr. Wakley), gave his reasons for preferring his own proposition, but still expressed his opinion that some measure of this kind was necessary for the permanent safety of the country. With regard to the observation, upon the postponement of the ballot, from which the hon. Member inferred that this measure was considered by the present Government to be no longer an urgent one, he begged the hon. Member would recollect that urgency did not depend so much upon the ballot as upon voluntary enlistment. By the ballot they could not obtain the force necessary in less than three or four months; by voluntary enlistment they might obtain it certainly in as many weeks, probably in as many days. Supposing that the Government had argued that urgency was necessary, to say that they had postponed the ballot was no reason to induce the House to suppose that the urgency was not the same. This clause had already been discussed two evenings; three divisions had been taken upon it, and everything that could be said had been said for it. He now hoped the Committee would go on with the remaining clauses.

Mr. HUME said, he thought that in a Parliament which was about to expire, they ought not to commence an expenditure which might lead to, he did not know the amount, but immediately to 500,000*l.* for bounty, and to a permanent army of reserve of 80,000 men. He said the Committee could not, and ought not, to support that proposition without having its necessity clearly pointed out. All that he wanted was to have it postponed for the decision of a new Parliament, and he hoped Government would agree to do so.

Mr. FORBES said, he could not see

what an addition to the Parliamentary representation had to do with the defences of the country. He might be wrong as to the nature of the danger; but he certainly did think there was all the less of it when the country was prepared. He could not understand the objection of hon. Gentlemen opposite to the Militia, when he considered their antagonism to standing armies. The militia was constituted on a far better footing than the National Guard of France, or the militia of America. He would far rather pay taxes than have contributions levied on him, either directly by foreign bayonets, or indirectly in the form of a forced loan. He would not be a party to defeating the Bill in any shape whatever, because he believed it to be absolutely necessary.

Mr. WAKLEY said, that the right hon. Secretary of State for the Home Department had said they had been discussing the principle of the Bill for several evenings. He admitted that; and it appeared to him that they ought to discuss it again, and persist in discussing it until they had satisfied Her Majesty's Government that they ought not to persist in attempting to carry such a measure. Then the Government position was very much changed by the vote of this evening. They had been revelling lately in majorities, apparently very subservient majorities, and so subservient that they thought they would never miss them. There was a whip on their side of the House, and there might have been some lashing on his side. But they had now experienced a most mortifying and signal defeat, and experienced it, too, upon a strictly Government question—upon a Ministerial proposition—a proposition, respecting the character of which there could be no mistake. He would ask any lover of constitutional government on that (the Ministerial) side of the House, whether such a thing was to be found in the history of this country as that an Administration, being in a minority of 86 in a House of 382 Members, should demand to have conceded to them the power of raising a militia force of 50,000 men? He strongly suspected that if Parliament were dissolved next month, the Government would not be very anxious that a new Parliament should be assembled before November, and possibly not before December, so that the raising of the militia would most probably be confided to a minority of that House. Instead of being demanded, this Bill was detested and dreaded by the whole community, and the minority ought to avail themselves of the forms of the House in their resistance to it. He did not care at all about being called factious, believing that he was but performing his duty in conscientiously and constitutionally resisting the further progress of this Bill. He saw no grounds for such a measure. It seemed to have been produced by some whim or caprice. As to the French, they appeared satisfied with their President, and he with them; and he (Mr. Wakley) declared that within the last twenty years he had never seen so little probability of a commotion in France as at that moment. The Motion for reporting progress had been withdrawn by the hon. Member for Montrose, but it was in his (Mr. Wakley's) power to renew it, and he should do so. He thought it but fair to the Government, after what had passed that evening, that they should have the opportunity of calmly considering for two or three days the nature of their position. He believed he should be rendering them a very great service by enabling them to abandon with a good grace a measure which was uncalled for and unpopular, and he should, therefore, conclude by moving that the Chairman do report progress, and ask leave to sit again.

Mr. WALPOLE said, that the hon. Gentleman had commenced his speech by saying that Government were in a minority, and a Government in a minority ought not to advise the Crown to raise 50,000 men for defensive purposes; and he concluded his speech by telling Government they ought not to go on with a tyrannical majority against the wishes of the people, who, he believed, were decidedly against the Bill. Now, if it be a fact that Government were in a majority, and that that House, by a majority, had confirmed the principle of the Bill, was it not right that the Bill should be proceeded with? The House were agreed upon the principle of the Bill, and they were now called upon to consider the details. The hon. Member might show that the principle of the Bill was bad, but that principle having been affirmed, he would not discuss it then. If the hon. Member was right in his argument, the proper time would be to discuss the principle at the third reading.

Mr. ELLIS said, that, representing a constituency of no small magnitude, he wished to express on their behalf strong opposition to this measure. Having listened to all the debates, he must say he had not heard a single argument which tended to convince him of the necessity for it. If carried out, it would, he believed, have a most demoralising effect on the population. He was old enough to recollect the embodiment of the local militia; and he knew what the men were when they left their homes, and what they were when they returned. Believing the measure to be a most mischievous one, he should make no apology for endeavouring by every means in his power to throw it out.

MR. NEWDEGATE said, the hon. Member (Mr. Wakley) had spoken of the division against the Government. The persons, he believed, who were most surprised at that division were those who supported the Amendment. A great number of Members who would have voted for the question had left the House, under the impression that the division would not have taken place at so early an hour. It was with the greatest difficulty he got into the House in time to give his vote, and there were several Members in the lobby in a state of consternation because they could not get in. He deeply lamented the division. He thought the proposition of Government was perfectly fair and liberal; and he would tell hon. Members who had professed liberal politics that they could not have taken a more unpopular mode than that of voting against the Government measure. It was said by hon. Gentlemen opposite that they must not pass measures of importance in a moribund Parliament; but some measures the country would expect the Government to propose, as necessary to the public service; and a Bill to provide for the completion of the next House of Commons might fairly be considered a measure essential to the Parliamentary and constitutional government of this country. The opponents of this measure by their acts desired to provide that after the dissolution, an imperfect and incomplete Parliament should consider important measures. Hon. Members opposite often argued that the votes of Members representing large constituencies ought to tell for more than one vote each, because they represented more persons and property than other Members. All their argument turned against them—because by the recent division they declared that the representation should not be more equally distributed. Now with respect to the militia measure, the hon. Member for Leicester (Mr. Ellis) said he objected to it because of the grievous moral injury it would inflict on the population. The hon. Member said he remembered the consequences which resulted from the last local militia. This Bill, however, was not intended to be a Local Militia Bill. But there were special circumstances connected with the religious opinions of the hon. Member, which made him abhor both a militia and an army. To state those opinions was doubtless very creditable to the hon. Gentleman; he deprecated a resort to arms, he deprecated military power, altogether, and of course, he deprecated a militia. But on account of these special circumstances, the hon. Member was not at liberty to give an unbiassed opinion. The hon. Member came to the discussion with a forgone conclusion; and though the hon. Member was justly entitled to give an opinion, still that opinion must stand singly; at all events, merely as the opinion of the Society of Friends, to which the hon. Member was attached. With respect to dividing the House, he trusted they would not have another snapped division like that which had just taken place. He trusted the House would not permit the principle of this Militia Bill to be mutilated in Committee, since they had already sanctioned it. The principle had over and over again been confirmed by large majorities; it was vain, therefore, to expect to defeat the measure—it could only be uselessly obstructed. It was all very well for the hon. Gentlemen over the way to disclaim being actuated by factious motives. They were, nevertheless, acting factiously, however, and the country, he was sure, would think so.

MR. ROEBUCK said, with reference to what had been termed a snapped division, that he had himself been shut out from it, and he understood that the division was called for by the hon. Gentlemen opposite themselves. When the hon. Gentleman (Mr. Newdegate), however, talked of a snapped division, he begged to refer him to the recent division. The numbers were for the Motion 148, against it 234, tellers 4, pairs 80, these making a total of 466 Members. Now 466 Members was a large portion of that House, though it had been said many went away not expecting a division; that argument might operate on both sides—so there was an end of the hon. Member's snapped division. The fact was, that the hon. Gentleman knew the majority of that House was against Government on that question. The opinion of the House was, and is, that the present

Government ought simply to pass only those measures necessary for the good government of the country; to defer all other measures, and to bring the Parliament to an end. He readily acknowledged that on the Militia Bill a majority of the House was in favour of it. But he understood how that was. First, the Administration which preceded the present Government introduced a similar Bill, and a large portion of their supporters was bound by the votes they gave. But the noble Lord (Lord J. Russell) had since broken loose from his bond, and was against a Militia Bill, or at least this Militia Bill. There was a large portion of that House, representing a very large section of the population, who were strongly opposed to all Militia Bills. They were now addressing Government in consequence of the recent vote, by which their minority was remarkably brought to view. And they said, "Why not do what you intend to do? Do just enough to carry on the public business until you can go fairly before the constituencies, and when you get another Parliament, do what a constitutional Government ought to do." Supposing Government were in a majority on this Bill, they would still be crippled; for they who were in a minority would turn round and say, "Any Government beaten as you are, as a constitutional Government ought to resign." It was clear Government could not escape from the difficulty, except on the principle that they would appeal to the country. If Government told them that, then he yielded. But Government said, "It is true we are beaten, but it is in a House of Commons that is not ours, and that we believe does not properly represent the people of the country." To that he replied; "If you pass the Bill, you are shattered and shaken by your position: you will be unable to do that which is right in the next Parliament in consequence of your false position." The right hon. Gentleman the Chancellor of the Exchequer was hampered by his position—he was bound by one set of opinions, while he was doing all he could to maintain the opinions of Gentlemen behind him. The right hon. Gentleman was not at the present moment in a straightforward course: and he (Mr. Roebuck) could tell the Government they could not on that account govern the country. The right hon. Gentleman might be in a majority on the Bill, but he was in a minority as far as the House was concerned; he could not, therefore, maintain right principles—he could not govern the country on fixed principles. He did not care who came forward and told him Government were right on this question, and that they had a majority in that House: still it was clear Government were playing a false game, their authority was shaken, and they could not do what was right. In a constitutional point of view he contended Government ought to withdraw not only this Bill, but every Bill except the Mutiny Bill and the Bills requisite for the Army and Navy services. The House had passed in confidence the greater portion of those measures, and therefore the best thing the right hon. Gentleman could do for himself and the country was to bring the matter to a close—to withdraw this Bill—and then if the country was willing to have it, they would enable Government then, but not till then, not only to carry that Bill, but all other Bills for supporting the peculiar views of the party to which the right hon. Gentleman belonged.

Mr. NEWDEGATE said, that the hon. and learned Gentleman had made a good deal of the division, but he (Mr. Newdegate) could only say that he knew that a great number of the supporters of the Government were shut out. The hon. and learned Gentleman said that he was shut out too, and, therefore, the question remained a moot point. As far as the measure was concerned, he again stated that the House, by a large majority, had already determined that some such measure of defence should pass, and he, therefore, trusted Her Majesty's Government would persevere; for if hon. Gentlemen had wished the Session to be brought to a close, why did they not select some opportunity before of defeating the Government?

Mr. REYNOLDS said, it appeared to him that the hon. and learned Member for Sheffield (Mr. Roebuck) had explained very satisfactorily the flimsiness of the pretence that the division was early and unexpected. He would now account for the opposition he intended to offer to the Bill. He had been told if the 7th Clause were rejected, it would endanger the Bill—that was a strong inducement for him to endeavour to get that clause rejected. The hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) had been very eloquent in the laudation of a militia. Why, then, did the hon. and learned Gentleman not extend the benefit to Ireland? Why should England have a militia, and not Ireland? He had always heard, at least from cooks, that what was sauce for the goose was sauce for the gander; but here all the sauce was given to the goose, and none to the gander. Ireland, however, though left out of the Bill, was included in the more important part of it—for Ireland would have to pay her share of the burden. He could not help connecting this 7th Clause with the 11th Clause of the Bill, which empowered the Secretary at War to make regulations for the payment of money to volunteers by way of bounty, not exceeding 6*l.* at the utmost, and not exceeding 2*s.* 6*d.* per month during the term of service for which the volunteers were enrolled. Now there was not a man in England who would not prefer to have the money down rather than receive it at the rate of 2*s.* 6*d.* per month. For one reason, the man might not live for five years—he might be shot in those dangerous movements which would wait upon those feather-bed soldiers. But if the money were paid down at once, it would only serve as a premium upon emigration to America. Suppose a parish in which there was what politicians called a congestion of population. The male population in that parish would gladly accept the bounty, which would pay their passage to Quebec or New York, and leave them something in hand when they got there. Then he did not see the necessity of this Bill, as they were at present at peace with the whole world except the Kafirs. Some hon. Gentleman observed in an under tone, when that observation was made before, that they were not at peace with the Irish. Well, he did not know that there was very cordial peace between them, but at any rate there was no actual war. There was an item in the Budget of 600,000*l.* for the expenses of the Kafir war. He had lately asked a friend who had just returned from Kafirland, what notions the Kafirs entertained of Christianity? His reply was, that one part of the Kafirs considered Christianity meant brandy and tobacco, for it was through the agency of brandy and tobacco that conversions were attempted to be made. Another part of the Kafirs considered that Christianity meant burning of corn, stealing of cattle, abusing women, and slaughtering one another. Now he would ask the Committee was it not time to put an end to all this bloodshed and expense? He contended that a Militia Bill was not needed, and that Government were not justified in inflicting it on the country. The men were to be drilled for twenty-one days, and then to be set at liberty to go where they liked. That was called providing for the defence of the country. He might refer the Committee to the authority of Paley for the reasons why that celebrated philosopher thought a regular military force preferable to a militia for the defence of the country. He had not heard a single argument from hon. Members opposite in favour of the Bill. If the public prints were to be believed, no one could apprehend any danger from France. The President seemed to be occupied in consolidating his power, in promoting schemes for the improvement of France by railroads, drainage, education, and other peaceful works, and in breaking down that terrible band of men, the leaders of the Red Republicans. It was quite true that the present Bill had been supported by large majorities, but majorities were not always in the right; and it ought not to be forgotten that there were many lieutenants of counties in that House who would have a great deal of patronage under the Bill, if it became law. He thought the Bill unwarranted and uncalled for.

MR. G. SANDARS rose to state, that he should give his vote for this clause, namely, the raising a militia force of 80,000 men for the defences of the country. He had voted for the second reading of this Bill, not that he approved fully of its details, but that as both sides of the House had agreed that our national defences were defective, and that it was necessary without further delay to place them in a state of efficiency, the natural question which presented itself was the best mode of effecting this object. Now, he admitted his opinions at first had been in favour of increasing the regular Army, and encouraging the formation of volunteer rifle corps; but the speech of the noble Lord the Member for Tiverton (Viscount Palmerston) had convinced him that the establishment of a general militia force of the nature proposed by the present Bill, was, all things considered, the most effective and most permanent way of accomplishing this object. He did not wish to see a mere temporary measure carried, but he wished to place our defences in a permanent state of security. Now, the noble Lord had very justly remarked if Parliament now consented to a vote for the increase of the regular Army, as soon as the apparent danger had subsided, probably next year or the one following, the House would refuse the necessary supplies, and the force would be abandoned—thus having put the country to a serious expense without effecting any adequate or permanent advantage. A militia would be a permanent and continuous force, and further, what had not been sufficiently dwelt upon, it would be a school and a reserve for the supply of troops to our Army. But he (Mr. Sandars) had said, that though he had voted for the second reading of the Bill, thus admitting its principle, yet he did not agree with one important feature, namely, compulsory conscription. He felt sure in that part of the country in which he resided, the West Riding of Yorkshire, the feeling was so strong against the compulsory enlistment clause, that it would be next to impossible to carry it out; and he hoped that his right hon. Friend the Secretary for the Home Department would not persist in maintaining the 16th Clause in the Bill: if he did, he should feel it his duty to oppose it. The right hon. Gentleman had said "the present Bill was, in fact, intended to render voluntary enlistment a substitute for compulsory conscription;" he, therefore, asked the right hon. Secretary at once to carry out his intention, by striking out that clause. The Government had declared they would not put the ballot in force till after the 31st of December. Now, as Parliament would meet again in autumn, when, if necessary, fresh powers might be sought for, he would call upon the Government not to incur, when there was no pressing necessity, the odium of carrying this unpopular clause. He saw really no cause for it; for if the volunteer principle failed in providing the full complement of men, and if an emergency should arise, there was still the Act of 42 *Geo.* III. to fall back upon. He had a further objection to the compulsory clause, and that was, the militia being subject to the Mutiny Act, they would be liable to the degrading punishments of that Act. But if these enlistments were entered into voluntarily, with their eyes open to the facts, then he did not see that they or the public had a right to complain. As the division which had just taken place had been alluded to by the hon. Gentleman who had preceded him, he might be allowed to say that he knew well the counties of the West Riding and South Lancashire, and he believed that the vote which hon. Gentlemen opposite had given would prove an unpopular vote in those counties. The country would see that it was a party measure to embarrass the Government and place them in a minority; a fairer proposition for the disposal of the four vacant seats it was next to impossible to imagine.

Mr. MOWATT would admit that our defences were not in a satisfactory state, nor were they so well protected against probable or even possible danger as they might be. He had for years thought that the country was exposed to risk of an aggressive character, to which it ought not to be left. But, notwithstanding, he was opposed to this Bill, because it was to be remembered that, in addition to the annual sum of 28,000,000*l.* sterling they already paid for interest on the expenses of former wars, they had this very year voted the sum of 16,000,000*l.* for military purposes; and he did not believe that any military authority would say that this sum, if judiciously expended, was not sufficient for all purposes of military defence. But the truth was, they sent their army to the Colonies when they were wanted at home. What business was there for troops at the Ionian Islands, or Canada, when they were apprehensive of being attacked at home? Besides, it was admitted that this force was not calculated to cope with the only enemy they had to dread, and he believed they would not be forthcoming when they were wanted. In addition to all this, he contended that even if such a measure as the present were necessary, the present Government were not the parties to press the question, especially after the vote that had been come to that night.

Mr. SHARMAN CRAWFORD would content himself with stating that his constituents were unanimously opposed to this Bill.

Mr. BROWN said, that he thought it would be much more equitable, and less oppressive to the country, assuming that we really wanted an additional force of 50,000 men, and that 40,000 volunteered, and the additional 10,000 to be balloted for, they should be taken from the counties *pro rata* in proportion to the number of their inhabitants, without reference to where the volunteers came from: the effect of this would be, that those counties which had least employment for labour, would probably furnish the greatest number of volunteers; and those where labour was profitably employed, the least. This would interfere less with the industry of the country than the plan proposed by Her Majesty's Ministers. There was no doubt that a militia force was more or less demoralising, and all military authorities who had spoken on the subject, admitted the plan contemplated would be inefficient; and an increase to the standing army was disliked by the country. He therefore wished them to consider whether an increase of our constabulary and police force would not be better: although it might cost a little more, it would be efficient; all that were embodied to be paid as now by the counties and boroughs, but the additional numbers to be paid for by the State: one-third or one-fourth of them to be sent into barracks every year for three months, and thoroughly drilled; and when not in barracks, to assist the civil power, without arms, to protect persons and property. Thus being constantly employed, and under discipline, they would never be lost sight of, and always at hand to meet any emergency.

MR. G. THOMPSON said, he must express his decided and unqualified disapproval of the measures both of the late and of the present Government. He was perfectly impartial, as he belonged to no political party; and he had come to the deliberate conclusion that no argument had been used on either side of the House to justify the measure. In addition to the expense of the force, he would remind the Committee of the loss that would be sustained in these men's labour, which, if they were to estimate the 80,000 men as earning on an average 15*s.* a week each, and if they were kept out on drill thirty days in each year, would amount to 240,000*l.*

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided* :—Ayes 85; Noes 156 : Majority 71.

Motion made, and Question proposed, "That the Clause as amended stand part of the Bill."

MR. HUME said, he should move the omission of the clause. He could not help complaining of the contrast which the conduct of the Chancellor of the Exchequer and of his party on that occasion presented to the course which they had pursued on the Opposition benches.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had stated that he (the Chancellor of the Exchequer) had on former occasions always been ready to oppose every proposition for the expenditure of public money. But that was not so; for wherever the credit, the honour, and the security of the country were involved, he had never opposed propositions for expenditure. As he was not prepared to oppose grants of public money to pay the dividends to the public creditor, so he was not prepared to oppose any disbursement of public money for the defence of the country. He would say nothing more on the clause, which had been under discussion during two nights. He believed that what the public then required was a declaration of opinion by the votes of their representatives.

MR. HUME said, that the honour and the interests of the country were not at stake on that occasion. The right hon. Gentleman had utterly failed to establish any such position; and it was on that ground that he (Mr. Hume) opposed the measure. He would be one of the first to support any proposal which was based on the necessity of maintaining the public credit. But the measure before them was only a means of endangering that credit. All profligate Governments exhausted the public resources by unnecessary expenditure. [*Laughter.*] If hon. Gentlemen opposite went on in that way, he should be obliged to move again that the Chairman should leave the chair, because he was not to bullied. He threw back the imputation that he was anxious to destroy the public credit. He had done as much as any body to preserve it. If it had not been for what he had done, the public credit would not have been in so good a position as it now was in. He wanted to keep the coffers of the Chancellor of the Exchequer full, in order that he might be able to reduce taxation. The right hon. Gentleman was now going to expend the public money uselessly. Not a single constituency, except, perhaps a county one, would be in favour of it; and the military officers all differed as to the best mode of defending the country. He was sorry to find those people who had called themselves the farmers' friends trying to impose this additional burden of taxation upon them. He was determined to go to a division upon this clause, even though no one should go into the lobby with him.

The Committee *divided* :—Ayes 169; Noes 82 : Majority 87.

Clause *ordered* to stand part of the Bill.

Clause 8.

MR. MILNER GIBSON hoped, the right hon. Secretary of State would detail to the Committee the steps to be taken for fixing the quotas in counties, and the persons who were to be liable. They should, at all events, have a list of the exemptions before them.

Mr. WALPOLE said, every person would be liable to serve in the militia, except those exempted by the 42nd of *Geo.* III.

Mr. COBDEN said, his right hon. Friend (Mr. M. Gibson) was quite aware that the 42 *Geo.* III. was to be brought into operation; but what he asked was, that the Government should state who were liable under that Act. He wanted the right hon. Secretary of State to explain the conditions implied in this clause; but if the right hon. Gentleman did not do so, and state what were the conditions laid down in the 42 *Geo.* III., how could they be expected to proceed? They were, for practical purposes, re-enacting the provisions of the 42 *Geo.* III.

Mr. WALPOLE wished the Committee to remember that the present clause merely gave powers, in order to provide for any contingency that might arise, to fix the quotas of men in the respective districts in a way that would be fair and reasonable. The hon. Gentleman (Mr. Cobden) asked him to explain the whole of the conditions laid down in the 42 *Geo.* III.; but he thought that a somewhat unreasonable request. Supposing the ballot to be in operation, every person of a certain age would be liable to serve, with the exceptions enumerated in that Act. They had in no respect altered that Statute as to exemptions; and all they were now doing by this clause was to arrange the mode of fixing the quotas.

Mr. M. GIBSON said, if the ballot had been given up, as he understood it was, till the new Parliament met, there was no need of this clause. But in case this clause should pass, the Government would, in the terms of it, forthwith put the country to the immediate inconvenience of making up lists of those liable to serve. Every householder would be required to make up a list of those liable within his house, and that list would appear on the church doors, with a surplus of time for entering claims to be exempted. If they put off the ballot to a certain day for the further opinion of Parliament, why should they enact this clause? If he was correct in that, he must move the postponement of this clause till after the consideration of the compulsory clauses.

Mr. WALPOLE said, there was nothing in this clause requiring lists to be made up, for the Queen in Council would fix the proportion of men required for each district, chiefly from the returns made under the last Act.

Mr. ROEBUCK: But what is that liability?

Mr. BRIGHT said, it seemed to him the difference arose upon the word "forthwith." Now, if the ballot clause were struck out of the Bill, this clause would not be required at all, while, as regarded the ballot clause itself, it was not proposed to have the ballot until the 1st of January, and, therefore, that one would be totally unnecessary. The right hon. Gentleman, he must say, was leading them into a quagmire, in giving them a clause which had been introduced in a Bill made fifty years ago, with many provisions in it, far from applicable to the temper of the people or the exigencies of the times.

Mr. WALPOLE explained, that the object of the Bill was to raise the men by voluntary enlistment, and if the number were not fixed by the Queen in Council, they would be forced to put the ballot in operation in some circumstances.

Mr. BRIGHT would ask whether the Government intended putting the ballot in force in one county to make up the deficiency in another county?

Mr. WALPOLE said, that if in England and Wales the whole number of men proposed were procured, though in some districts the numbers might be smaller than in others, the ballot would not be enforced in any district. When the men were procured, the object of apportioning a quota to every district was, that they should give credit to every district furnishing its quota of men, and such districts, therefore, would be exempted from the ballot.

Lord SEYMOUR suggested the postponement of all the compulsory clauses, and this among the rest. The right hon. Gentleman the Home Secretary said that this Act followed the 43 *Geo.* III.; but there was a difference in the ages specified in each Act. It could hardly be said, therefore, that this strictly followed the 43 *Geo.* III.

Mr. WALPOLE said, there was nothing compulsory in this clause, which, in fact, was merely to enable the Crown to apportion the number of men in each district.

Mr. VERNON SMITH thought that the Committee should have an opportunity afforded it of considering the various things mentioned in this clause.

The ATTORNEY GENERAL begged to be allowed to explain the principle of a militia. It was, that a certain force be raised, in certain proportions, over different counties. In order to ascertain the number of men to serve, there must be quotas arranged for each county, and it was absolutely necessary they should ascertain the quota to serve in each county, whether the number was supplied by voluntary enlistment or by the ballot.

Mr. ROEBUCK wished to put this case: Supposing that there were ten counties who were each to supply ten men, that would make altogether a hundred men. Now, if fifty-five men volunteered from Ireland, how would they apportion the remaining number of men to each county?

Mr. WALPOLE said, that in the 10th Clause it would be seen the volunteers would be confined to persons residing in each county.

Mr. C. VILLIERS said, he did not understand why they could not dispose of the volunteer system in the Bill without reference to quotas.

Mr. WALPOLE said, if it were not intended to resort to the ballot, of course there would be no necessity for quotas.

Sir GEORGE GREY asked, whether it was intended that the Lord Lieutenant of a county might enrol more than the quota of his county?

Mr. WALPOLE said, that the provisions of the 8th Clause would be necessary only in the event of having recourse to the ballot; and that by the 10th Clause they would raise a certain amount of volunteers in each county, and probably only the proportionate number which each county ought to furnish; but he had prepared a proviso to that clause to the effect that when a county had furnished its proper number of volunteers, it should also be allowed to funish a supplemental number, with the view of raising the whole number of men required in the aggregate.

Sir CHARLES WOOD declared himself to be still at a loss to understand the meaning of the Government. The question was, whether the Government intended by the Bill to say that, in the first instance, a certain number of men should be the quota for each county by voluntary enlistment or by ballot, or was it the intention to raise 80,000 men by voluntary enlistment from whatever parts of the country they could be got?

Mr. WALPOLE said, if the right hon. Gentleman would take the Bill in his hand and examine it, he would see that there were three divisions, and that down to the end of the 9th Clause it provided that a certain number of men were to be raised as a militia force; it would follow, therefore, as a matter of course, that these men would be raised in the ordinary way that the militia had hitherto been raised under the 42 *Geo.* III., namely, by having recourse to the ballot. For that purpose it was necessary to fix the proper quota which each county was to furnish, giving the Queen in Council the power to alter those quotas as might be deemed necessary. From the 10th to the end of the 15th Clause it was provided, that in the operation of raising the force, the necessity for the ballot might be superseded by allowing men to volunteer. And from the 15th Clause the Bill enabled the Crown to have recourse to the ballot, after giving credit to the different counties, subdivisions of counties, and parishes, for the number of men they had furnished by voluntary enlistment. The passing of this clause would, therefore, be simply to say, that if recourse were had to the ballot under the 42 *Geo.* III., the Crown should have the power of fixing the quotas.

Sir CHARLES WOOD said, that the 10th Clause contained no provision for the Lord Lieutenant of a county to raise the necessary quota of men, and this appeared to corroborate the view that 80,000 men were to be raised from any part of the country.

Mr. WALPOLE: The intention of the Bill is, that you shall raise volunteers in certain quotas from the counties, and that the ballot may be resorted to, if a sufficient number cannot be had. It has occurred to me, as I have previously stated, that it might be allowable for counties which have furnished their quotas, to furnish a supplemental number; but that is a question for the Committee to decide.

Mr. ROEBUCK begged to ask how the numbers were to be apportioned, supposing one county furnished 500 men, and another only 300?

The ATTORNEY GENERAL said, the object of the Bill was, first of all, to raise a gross number of militiamen; but that gross number was to be distributed over the counties in certain proportions to each. Those proportions must be ascertained; and the 8th Clause provided, therefore, that the quotas should be fixed by Her Majesty in Council. But the quota being fixed, voluntary enlistment was what they proposed to look to, in the first instance, to supply the required force; consequently it was necessary that the quotas should be established as a preliminary measure to ascertain the number of militiamen who were to serve for each county. If they could get the exact number by voluntary enlistment, everything would have been done that was necessary; but if they did not get the exact number, then the ballot would come in aid to supply the deficiency, but only in that event. Thus it would be seen that it was absolutely necessary to begin by fixing the quota. It was the very foundation of all their operations, and without it they could not proceed one step, either in the way of voluntary enlistment or the ballot.

Mr. ROEBUCK: Did he understand the hon. and learned Gentleman to mean, that in case the Middlesex quota, for instance, was fixed at 5,000 men, that county would not be allowed to raise more than that number; so that, if it proposed to raise 8,000, 3,000 of them would be rejected?

The ATTORNEY GENERAL: With all due submission to my hon. and learned Friend, we should not reject one. We would not raise them.

Mr. MILNER GIBSON said, he believed the making out of the lists and the appeals formed one of the worst features of the militia system, giving rise to a litigation which would be needless, except under a compulsory system. The 8th Clause, as it stood, ought not to pass, because it involved questions of fitness, &c., which would be useless unless the ballot was resorted to; and therefore, until it were decided that there should be a ballot, the clause ought to be postponed. The Bill had an entirely new principle imported into it. By the 42 *Geo.* III., the number of men to serve in the militia was settled, and then the question was considered as to who were fit and liable persons; and in order to do this, a list of householders was necessary. In this Bill, however, the Government wanted to begin by enacting that, as soon as the Bill had passed, the number of men fit and liable to serve was to be ascertained. As this was an entirely new principle, he begged to move that the consideration of the clause be postponed for the present.

Sir GEORGE GREY said, he understood the 80,000 were to be raised by voluntary enlistment. But, so far as that went, the "fitness and liability" of the men mattered not in this clause, and these words could be omitted.

The Attorney General

The CHANCELLOR of the EXCHEQUER said, the intention of the Government was that the quota should be the basis of the increase, endeavouring to supply it first by the voluntary enlistment, and then falling back on the ballot. By the clause the number only would be fixed, not the particular men.

Sir CHARLES WOOD thought all that was necessary was, to give power to raise a certain number of men in each county. The words "fit and liable" ought to be left out.

The ATTORNEY GENFRAL agreed to leave out the words "fit and liable" provided the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) would allow the clause to pass.

Mr. MILNER GIBSON said, he would not consent to any compromise of the kind. The best way would be to postpone the clause.

Mr. BRIGHT could not see that the omission of the words "fit and liable" would make any real difference in the case, except to render the clause very much worse English than it was before. Acts of Parliament ought to be drawn according to the rules of grammar. Right hon. Gentlemen opposite were not agreed upon the exact nature of the clause, and he thought they ought to have an opportunity of reconsidering it.

The ATTORNEY GENERAL said, he was quite ready to let the words "fit and liable" remain.

Colonel THOMPSON asked what necessity there was for ascertaining the number of men fit for the militia in each county, as a preliminary to the apportionment of the numbers, when it would be easy to make the apportionment with quite sufficient exactness by taking the proportion to the population? For example, if 80,000 men were to be levied, and the population of England was 16,000,000, what was there to do but to take one man in two hundred of the population in each county?

Mr. MOWATT asked whether the Government had any objection to add a schedule to the Bill containing a list of exemptions and exceptions which might be claimed?

Mr. J. L. RICARDO said, this clause provided that a certain quota of men should be fixed to be raised in each county; but by the 10th Clause it appeared that power was given to raise the whole number of men in any one county, and he wished to know whether the Government intended to persist in demanding that power?

Mr. WALPOLE replied, that it certainly was not intended to raise the whole number of men in any one county; and in reply to the inquiry of the hon. Member for Penryn (Mr. Mowatt) he said he could not accede to his suggestion to add to the Bill a schedule containing all the exemptions.

Motion made, and Question put, "That the Clause be postponed."

The Committee *divided*:—Ayes 99; Noes 216: Majority 117.

Mr. BRIGHT said, he still objected to the words "fit and liable," but really thought they had better postpone the clause until they had got further into the Bill.

The ATTORNEY GENERAL said, he was willing to give up the words objected to, if the hon. Member would allow the clause to be then proceeded with.

Sir DAVID DUNDAS said, a reference to the 19th and 20th sections of the Act of the 42 *Geo.* III. whould show the total non-necessity of the words alluded to; they did not occur in those sections, and were not necessary here.

Mr. WALPOLE said, he would not object to the omission of them.

Clause, as amended, *agreed to.*

House resumed; Committee report progress.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 11, 1852.

Minutes.] Public Bills.—1ª Bishopric of Christchurch (New Zealand).

2ª Repayment of Advances (Ireland) Acts Amendment.

MAYNOOTH COLLEGE (IRELAND) ACT.

The Duke of ARGYLL said, he had given notice of the presentation of a number of petitions on the subject of Maynooth; he did not rise, however, to enter into the general question, but for a much more limited object. In common with many other noble Lords connected with Scotland, he daily received petitions from that country against the grant to Maynooth, and praying its immediate and absolute abolition. He considered it respectful to the petitioners—taking into account their numbers, character, and influence—that he should there state the grounds on which he was unable to support the prayer of their petitions. He considered the policy on which the College of Maynooth was originally founded as more than doubtful; and though a great alteration was made in the state of the question when Parliament consented to remove its endowment from the footing of an annual vote to that of a permanent endowment, he held that it was open to Parliament at any time to reconsider the question. But he observed that almost all these petitions proceeded upon one ground—that of principle—the question of policy was referred to perhaps but incidentally, and as of secondary importance; but almost all the petitions proceeded upon the principle that it was morally wrong to grant public money to support institutions connected with a religion in the truth of which they did not concur. Their Lordships might be disposed to think that this objection had already been sufficiently dealt with; and probably that was so. The principle, however, had been very widely received out of doors, and would materially affect the character of a future Parliament; and he was anxious to state why he could not give it his assent. He could not understand what idea the petitioners entertained of the composition of our Government or Legislature. If they considered this country as comprising only one religious community, or if the House of Commons—the legislative body charged with the distribution of the public funds—consisted only of members of one religious body, the views of the petitioners might be more easily understood. But he was unable to see how, in a country like this, cut up by religious divisions, and governed by a Legislature in which all religious bodies were represented, the Members of the Legislature could be considered individually responsible for sums of money being voted for the support of religious institutions of which all did not approve. It must be borne in mind that the endowment of Maynooth was not the only pecuniary endowment of religious institutions. He did not, of course, include the greatest—the Established Church—because he would never admit that its preservation stood on the same footing with the support of grants out of the public treasury. He alluded to grants of money out of the public purse, and would remind their Lordships of the *Regium Donum* to the Presbyterian clergy of Ulster. It might be said that the differences between different Protestant churches were less than those which separated us from the Roman Catholics. But he was persuaded many in both Houses of Parliament would feel uncomfortable if they thought they were responsible for the endowment of the Presbyterian Church. If the principles, indeed, laid down by a certain section of the Anglican Church were pursued to their logical results, they would render them more reluctant to incur any responsibility for the support of Presbyterianism than Romanism. And so as to our Colonies, in which a similar principle was illustrated. Then, again, as to education. It was impossible to deny that the grants made out of the public money for the purposes of education were closely connected with religious teaching; and were, in fact, grants to the different religious bodies, specially in their character as such. It was impossible, without reversing the policy which had been pursued in this country on the subject for a long period to accede to the principle laid down by these petitioners. The question was purely one of policy; and he saw with great regret the course pursued in Scotland on this subject. In many cases pledges had been actually extorted from candidates requiring them to vote against the continuance of the endowment. In other cases, some of the most important constituencies were unable to unite in the support of candidates in consequence of this question. He feared the result would be, in many cases, that inferior men would be chosen, and superior men shut out. He saw with pain men trying to square their opinions with the prejudices of the people they addressed; and it was always a melancholy spectacle to see men so paltering with their convictions for party purposes. By the Constitution of the realm their Lordships were elevated into the rank of hereditary legislators, removed above and beyond the temptations to these sacrifices of principle. That position imposed on them a corresponding responsibility. It was their part to come forward and express their opinions honestly on any great subject upon which popular feelings were excited; and when they thought that the course pursued was detrimental to the true policy of the country, firmly to protest against it. He reserved to himself the right of acting on his own opinion upon the question when the proper occasion arrived; but, he repeated, that he regretted this question should be agitated on grounds which must prove most offensive to their Roman Catholic fellow-countrymen, and which went much further than the petitioners at all anticipated. The noble Duke them presented a great number of petitions from different parts of Scotland, praying for the repeal of the Maynooth College (Ireland) Act.

NATIVES OF INDIA.

Lord MONTEAGLE presented a petition from George James Gordon, that certain Propositions set forth in his petition connected with the Position and Political Rights of the Natives of India might be taken into consideration. His Lordship said that this petition, although it was signed by only one person, represented, as he had good authority for stating, the feelings of many enlightened, wealthy, and respectable Natives of India on the subject of their position and their political rights under the last Act for the renewal of the East India Company's Charter. The exclusion of the natives of India from holding offices in the Government of their own country had been rigidly acted up to in former times; but a clause, recommended or supported, as he believed, by the high authority of Lord William Bentinck, was made part of the last Charter Act of the 3rd and 4th of William IV., and affirmed the principle of an opposite policy. It was to the following effect:—

> "That no native of our territories in the East Indies, nor any natural-born subject of His Majesty resident therein, should, by reason of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the same Company."

In consequence of that enactment, which established their eligibility for the public service of India, a considerable number of natives had been introduced by Lord W. Bentinck into what were called "uncovenanted offices," both revenue and judicial, in which he believed their conduct had been highly creditable; yet, notwithstanding his authority, notwithstanding likewise the result of the experiment tried, and the spirit of the clause he had cited, there had been a practical exclusion of them from all "covenanted services," as they were called, from the passing of the last Charter up to the present time. The Charter Act was construed so as to declare the eligibility of natives to "uncovenanted" offices only, whereas its words are general, and without such limitation. In that interval there had been a great development of education in India, and a great expansion of intellect and of knowledge among the natives—circumstances which had not only increased a sense of the oppressiveness of the law thus construed, but had also created a greater desire on the part of the natives to be employed in the public service. All this was fully stated in the petition which he then held in his hand; and petitions to the same effect would soon approach their Lordships' table from native landed proprietors, merchants, and traders of Madras, Calcutta, and Bombay. When such petitions were laid upon their Lordships' table, men well acquainted with India would be able to inform their Lordships how far they represented the sentiments of all the weight, and wealth, and intelligence of the educated natives of India. It was due to the petitioners who had placed the petition in his hands, that he should state what was its prayer. They adverted to the approaching renewal of the East India Company's Charter; they also called their Lordships' attention to the present state of the finances of India; they impressed on their Lordships the necessity of applying the most stringent measures of economy to the expenditure of the Government in Europe and in Asia; they asked for the abolition of useless offices, suggested the expediency of reducing many of the official salaries, and recommended an alteration in the tenure of certain appointments, on the ground that at present India lost the services of some of the best officers just at the moment when by experience and knowledge they were best qualified to fill their situations. They also complained that, although natives had distinguished themselves in subordinate offices, they were excluded from holding the higher class of appointments, and prayed their Lordships that a more generous construction should be practically put on the 87th Section of the Act, by enlarging the field of employment for the native subjects of Her Majesty. They also called attention to the necessity of completing the system of education by adding to schools and colleges an Asiatic university. They also complained of utter neglect shown to the labours of the law, on which high intellectual powers and a considerable amount of revenue had been expended. They called for the enactment of a consistent code, and the adoption of general measures for further amending the state of the law in India. He (Lord Monteagle) wished the attention of the Committee upstairs to be specially directed to these allegations of the petition, because the people of India now took a deep interest in what took place in this country with respect to Indian affairs, and in British legislation as affecting their interests, and they were now more sensitive than ever with regard to the legislation and even the discussions of the Imperial Parliament, in England, as affecting their rights and interests. He wished also to call their attention to the evidence which had been given by the late Lord William Bentinck after his return to England, when examined before the Select Committee on Steam Navigation with respect to the growing capacity and intelligence of the people of India, which were advancing not only in proportion to the diffusion of education, but in proportion to the development of their material interests. This progress could not be arrested or even retarded. His Lordship had said that "every indigo and coffee plantation, the Glocester mills, the works of every description moved by steam, the iron foundries, the coal mines worked after the European fashion, and the other great establishments which we see around us in Calcutta, are so many great schools of instruction, the founders of which are the real improvers of their country;" and he further added that, among the causes of progress now so rapidly in action to render India so different from what it had been twenty years ago, were to be enumerated every commercial enterprise, every manufacturing improvement, and every extension of agriculture—all which had tended to improve and to expand the capacity of the people of India, and to stimulate their desire for still further progress and advancement. In presenting this petition, he neither sought to prejudge the question, or to commit himself to a distinct opinion. But he hoped that he had convinced the House that the subjects he had touched upon were fit subjects for examination before the Committee, and that an inquiry which did not include them would be unsatisfactory and incomplete.

Petition read, and *referred* to the Select Committee on the East India Company's Charter.

House adjourned to Friday next.

HOUSE OF COMMONS,

Tuesday, May 11, 1852.

MINUTES.] PUBLIC BILL.—1° Thames Embankment.

THE PORTE AND THE PACHA OF EGYPT.

MR. ANDERSON said, that for some time past disputes had been pending between the Porte and the Pacha of Egypt which had caused much solicitude in this country, as they were considered to involve the tranquillity of Egypt and the safety of the overland route. A report was current that the differences had been arranged; and although he believed that that was correct, it would be a great satisfaction to the public to hear it confirmed from an official source. He begged, therefore, to ask the Chancellor of the Exchequer whether Her Majesty's Government had received any official information of the termination of the dispute between the Porte and the Pacha of Egypt, and particularly of the withdrawal of the proposal by the Porte to deprive the Pacha of the power of life and death in Egypt.

The CHANCELLOR OF THE EXCHEQUER: I have very great pleasure in informing the hon. Gentleman and the House that the differences that have existed between the Porte and the Pacha of Egypt have terminated. The Government have received an official notification of a complete adjustment having taken place. The Porte has conceded to Abbas Pacha the power of capital punishment—of life and death—for a term of seven years, and the Pacha has accepted that compromise as perfectly satisfactory.

THE CAPE OF GOOD HOPE.

SIR WILLIAM MOLESWORTH said, that he wished to ask the Secretary for the Colonies whether he would have any objection immediately to lay upon the table of the House the constitution of the Cape of Good Hope as amended by the Legislative Council? He desired, also, to call the attention of the right hon. Gentleman to another subject. In one of the blue books which had been presented to that House there was a despatch from the British Resident in the Orange Sovereignty expressing great apprehension lest the emigrant Boers, under Prætorius, beyond the Yellow River, should attack the Orange Sovereignty; for he stated that if they did, he should have no means of resistance, as they would in all probability be extensively joined by their own countrymen, the majority of the farmers in the Orange Sovereignty being rebels at heart, while the remainder were not to be relied upon. This officer further stated that in the event of any attack, a very large military force would be required to restore anything like peace in the Orange territory, and that the cost to this country would amount to an enormous sum of money. He had heard it reported that these Boers had laid claim to the Orange Sovereignty and to Natal, had bade defiance to the British Government, and had attacked the native tribes in those territories. He wished to know whether there was any truth in those reports, and if so, what steps Her Majesty's Government intended to take?

SIR JOHN PAKINGTON said, that the terms in which the hon. Baronet had couched the first of his questions would rather tend to mislead the House, and showed, he thought, that the hon. Baronet was himself to some degree under an erroneous impression in respect to the present state of the ordinances for establishing the colonial constitution. It was true that by the last mail copies of those ordinances, containing certain alterations and amendments by the Legislative Council, had been sent over; but those ordinances were still incomplete, and, in fact, they could hardly, strictly speaking, be spoken of as ordinances. There were still certain forms remaining to be completed by the Legislative Council; and the Governor (General Cathcart) was reported to have deferred giving his assent to those ordinances until after the arrival of the next mail from England. Under these circumstances, he thought it would be premature to lay the ordinances, such as they were, on the table of the House. In reply to the second question of the hon. Member for Southwark, he had to state that the despatches lately received afforded no ground for the alarming reports to which he had referred.

SIR WILLIAM MOLESWORTH would beg to ask the hon. Member for North Staffordshire if he had received any information bearing out what he (Sir W. Molesworth) had stated.

MR. ADDERLEY replied that the tenor of the information that he had received was very much in accordance with what had been stated by the hon. Baronet (Sir W. Molesworth) himself.

THE REV. MR. BENNETT.

Mr. HORSMAN: I beg leave now to put to the Chancellor of the Exchequer the question of which I gave him notice yesterday. It will be in the recollection of the House that three weeks ago—I believe on this day three weeks—I submitted to the House a Motion on the subject of the Rev. Mr. Bennet's institution to the vicarage of Frome, which resulted in an undertaking on the part of the Government to inquire into the circumstances which I then brought before the House. As that Motion was made three weeks ago, I hope the right hon. Gentleman will feel that I have not shown any undue haste, and that I do not do so now, in asking him whether he is prepared to state, on the part of the Government, what steps have been taken to institute that inquiry, and with what result?

The CHANCELLOR of the EXCHEQUER: I willingly admit that the hon. Gentleman is perfectly justified in addressing the question which he has done to Her Majesty's Government. I can only say that the attention of the Government to the circumstances connected with the induction of the Rev. Mr. Bennett has been unremitting; and I trust that the hon. Gentleman, after my having made that declaration, will not at the present moment press me further.

Mr. HORSMAN was very unwilling to press the right hon. Gentleman at all; but he could not state any period within which he might be likely to give some sort of an explanation to the House?

The CHANCELLOR of the EXCHEQUER said, he was reluctant to fix any particular day; but he expected it would speedily be in the power of the Government to communicate something more definite to the House. When he was able to do so, he would not wait for any inquiry, but would voluntarily afford the information.

MAYNOOTH COLLEGE.

Mr. SPOONER rose to move the appointment of a Select Committee "to inquire into the System of Education carried on at the College of Maynooth." The hon. Gentleman, who was evidently suffering from indisposition, arising from accident that had befallen him on the previous evening, said: Sir, the circumstances under which I rise to address the House will, I feel confident, insure for me that large and liberal indulgence which this assembly never niggardly grants to those who stand in need of it. Before I enter into the immediate consideration of the subject I have ventured to bring under the notice of this House, I beg, Sir, to assure those hon. Gentlemen who profess the Roman Catholic faith that it is my anxious wish, as it will be my earnest endeavour, to abstain from saying anything which may hurt their feelings or wound their consciences. I have no quarrel, Sir, with individuals. In the fulness of the Protestant principle I recognise, and I respect in every one, to the fullest extent, the right of private judgment. My quarrel is with the system of education carried on at the College of Maynooth. I charge that system with being injurious to society—with having a tendency to create immorality, and with being completely subversive of the true principles of allegiance. To these points I propose chiefly to direct the few remarks I trust I shall be able to address to the House. But, Sir, while I propose to confine myself to these points, and abstain from otherwise arguing the question, I must, in consistency with my known opinions, as also from a sense of duty, maintain that the original grant to the College of Maynooth was in itself bad in principle, and that all the forebodings of those who at the time ventured to oppose it are fully and completely realised. I say, moreover, that I believe the system taught at that College to be antagonistic to the Word of God—that it is a national sin, and, therefore, it is my earnest wish to see the grant repealed. Thus much, I say, for the satisfaction of my own conscience, and the declaration of my own convictions. But I have no intention to provoke a polemical discussion. [*Ironical applause from the Roman Catholic Members.*] In an assembly constituted as this House is, and representing, in religion, as on all other questions, so many and such various opinions, I cannot but be sensible of the great inconvenience of engaging in doctrinal disquisitions. I would sedulously refrain from the use of any arguments that could have such a tendency, and would confine my remarks to the policy of the measure I am about to impugn. I have no doubt that I shall be met at the onset by the plausible, but exceedingly fallacious interrogatory, "Why institute an inquiry?" And those who put the question, will follow it up by the assertion that we have had sufficient inquiry already; that we know everything about Maynooth that can be known; and that no purpose of practical utility could be attained by another investigation. My answer to such a line of argument as that will rest upon as high an authority as any that can be possibly cited on such a question, the authority of no less a man than Sir Robert Peel himself, who has stated, in language the most distinct and emphatic, that inquiry into the system of education adopted at Maynooth, was a duty which devolved with peculiar and inevitable urgency upon the House of Commons. Presently, I will read to the House Sir Robert Peel's own words on the subject. Reference is often made to the evidence already taken upon this subject. I can assert, upon the authority of my own experience, that this blue book, the Eighth Report of the Commissioners on Education in Ireland, 1827, containing the report of the Commissioners appointed to visit the College, is very little read, and very little known amongst the Members of this House. I have made it a point to ask many hon. Gentlemen, of all parties in this House, whether they had read the book, or knew anything whatever of its contents; and in no one single instance have I received an affirmative answer. I have asked many Members, including Roman Catholic Members, whether they have ever read any of the works used as class books or standards in the College of Maynooth; and the answer has been still in the negative. Nay, I will go farther, and assure the House that a few evenings ago, when in conversation with a most respectable gentleman, a Roman Catholic Member, I quoted in his presence one or two passages from the books taught at Maynooth, the Gentleman in question expressed his astonishment, and declared that "such doctrines were not the doctrines of the Roman Catholic religion —that he, at least, had never heard them before—that he entirely renounced them— and that if such doctrines were indeed inculcated in that institution, it was very fitting that there should be an inquiry;" or to this effect.

Not to dwell on these and similar observations, which I have often heard from Roman Catholic Members, I will now proceed to submit to the consideration of the House the opinion expressed by Sir Robert Peel, with respect to the obligation which devolves on this House to institute inquiries into the system of education pursued at the college of Maynooth, as often as it may appear expedient to do so. Upon the question of inquiry, that high authority, Sir Robert Peel, in 1840, before the grant was increased and settled by Act of Parliament, thus expressed himself:—

> "He could not agree in the opinion that the system of instruction pursued at Maynooth ought to be a matter of indifference to the House. The system of education was a legitimate matter for the consideration of Parliament; and the House would abandon its duty, if it were to avow the doctrine that, because the grant had been continued for thirty years, it was therefore pledged to say to Maynooth, 'You may inculcate what doctrine you please, however injurious to the supremacy of the law, and detrimental to the established Government and monarchy of the empire.' If an opinion of that kind were put forward, he, for one, would never concur in it, and he thought it should be repudiated by every Member of the House. A misappropriation of the grant would form a very proper subject of inquiry, and if it were proved, the question might be submitted to the House, whether on that ground the vote ought not to be discontinued. If accusations of this sort were made, all he could say was, that the recipients of the grant were the persons who should show most interest in challenging inquiry, for the purpose of conciliating the good will of the public by showing, if such was the fact, that the charge was groundless. Under such circumstances, so far from inquiry being injurious, they should, as he said, be the first to challenge it. But, at the same time, he should say that nothing but full proof of abuse would render it wise in the House of Commons to enter into a pledge as to the future, with respect to this grant. To him, however, it would be much more satisfactory to have the ground of accusation cut away, and having established that, he should be able to give the vote which he was about to give with greater satisfaction."

The view of the case, thus so powerfully stated by Sir Robert Peel, is the one which I am especially desirous to press upon the consideration of hon. Members who profess the Roman Catholic faith. I boldly charge that the doctrines taught at the Royal College of Maynooth are such as Sir Robert Peel has described, and that being such, there is a good cause for instituting an inquiry. If my charge be groundless, there will be ample opportunity to prove it so; but if such doctrines as I shall presently submit to the consideration of the House are indeed inculcated at Maynooth, there can be no gainsaying the propriety of instituting an inquiry. Indeed, I have no doubt that such a proceeding will find favour with the educated laity of the Roman Catholic persuasion, both in England and Ireland; for I am persuaded that no educational system which is injurious to virtue, or subversive of morality has the least chance of being received by educated Roman Catholics with other feelings than those of reprobation.

The Amendment of the hon. Member for Kerry (Mr. H. Herbert) goes the length of saying that inasmuch as certain visitors have already been appointed by Her Majesty to visit the College of Maynooth once every twelve months, and to inquire into the government, management, and discipline of the said college, there was no occasion for any further inquiry. Now, if the hon. Gentleman would but look to the original Act (48 *Geo.* III., cap. 145) under which the College of Maynooth was founded, he will find the 3rd Clause to this effect:—"Provided always, and be it enacted, that the authority of the said visitors shall not extend to, or in any way affect, the exercise of the Roman Catholic religion, or the religious doctrine or discipline thereof within the said college." ["Hear, hear!"] Yes, but by the provisions of the Act passed in 1845 these restrictions go to a much greater length. I do not think it necessary to detain the House by detailing them on the present occasion; but if they will but read the clauses of the Act to which I have referred, as well as the evidence given upon the inquiry into the system of education taught at Maynooth, I am quite sure hon. Members cannot entertain such an opinion as is expressed in the Amendment to which I have referred.

The objection that this grant to the College of Maynooth having been confirmed by Act of Parliament, cannot be revoked without a breach of faith, is frivolous in the extreme, and will not endure one moment's examination. Nothing can be more absurd or more alien from the spirit of the British Constitution than to say that there does not reside in the Legislature a Power to recall its own free and unfettered act. If any sacrifices had been made by the Roman Catholics—if there had been any surrender of privileges on their part as the condition of the enjoyment of the grant—if they had been placed in a different and less advantageous position by reason of the grant, from that which they had heretofore occupied, the case would have been different, and an attempt to repeal the Act should necessarily be accompanied by a measure to indemnify the Roman Catholics; but surely no constitutional lawyer would say that in a case where no such compromise had been made, it was not competent for Parliament to review an Act of its own, which was found to have worked disadvantageously. Surely what was freely given may as freely be revoked.

The power, and indeed the duty, of Parliament to do so has been expressed in very distinct and powerful language by the noble Lord the Member for London, who will be admitted to be as high an authority on matters of constitutional history and principle as any that can be found in this House. The noble Lord, in the debate of April 3, 1845, has thus expressed himself:—

> "I do not mean to argue, as has been done by other hon. Gentlemen, the question of compact, or whether it would be wise or prudent, after fifty years, during which this grant has been made, to stop suddenly and to declare that you will advance no further sums from the public purse for the purpose of educating the priests of the Roman Catholic religion. But, at the same time, I will say, that if you found you were doing that which was mischievous to the community, and that the religious scruples of the community would not allow the continuance of this grant, or with reference to the civil and political reasons, you found that those you meant to be the teachers of religion had become the leaders and conductors of rebellion; if, I say, you found, for any of these causes, that there was ground sufficient to refuse this grant, then I can see no valid reason why any compact should restrain you, or why, upon strong grounds of this kind, the House would not be justified in declaring that it would give no further allowance."

I doubt not but that I shall nevertheless be met by some such objection as this—"Oh, you are going to commit a breach of faith in withdrawing a grant that has been guaranteed by Act of Parliament. You cannot revoke what you have already guaranteed." Well, then, I propose at once to join issue with those who make such an objection, and to contend against the principle involved in it. The speech of the noble Lord (Lord John Russell), which I have just quoted, is a sufficient answer to such an objection.

It cannot be doubted that the contingency suggested by the noble Lord the Member for London has in fact arisen, and that "the teachers of religion have become the leaders and conductors of rebellion." I ask, then, whether any man in his senses can for a moment deny that the priests educated at Maynooth College have, from time to time, and especially in latter times, recommended resistance to the power of the Crown, and invariably encouraged the greatest hostility to the constitution of Church and State? I ask whether they have not said, notwithstanding their former professions, that they never would rest contented with the incubus, as they called it, of the Established Church continued? [*Cheers.*] Well, that fact appears, from the cheers of hon. Members opposite, at all events to be admitted. Now, I will presently show that such a declaration is contrary to the oath taken by Roman Catholics; that is, contrary to the oath of allegiance which is taken by many others besides hon. Members, who are sworn at the table of this House. Every one knows that it can be proved from history, that two at least of the rebellions that have taken place in Ireland may be dated since the period of the foundation of this College.

But it might be said that when we granted this money we knew what the nature of the morals taught at Maynooth was, and to what purposes the grant would be applied, and that, therefore, we have no right now to find fault with the College of Maynooth for carrying out those objects. Now, in the first place, I am quite sure that the morals taught in Maynooth are anything but well known to the country at large, or to the vast majority of the Members of this House. I will venture to go further, and say that the principal object of founding the College was not to teach the Roman Catholic religion. If you will look back to history you will find that it began by a grant of permission to the Roman Catholics to educate their own body in their own country, rather than to send them abroad to be educated. We laid down this clear, plain, practical principle for our guidance: that the Roman Catholic youth, when sent abroad to be educated, learned un-English notions; that they learned those principles which we believed to be dangerous to the spirit of the Constitution, and which tended ultimately to the disruption of the monarchy in this country. The Legislature said, "Let the priests be national, let them feel that they belong to us, and do not let them imbibe those foreign feelings which a foreign education must necessarily generate."

The object, then, was to enable Roman Catholics to provide competent means of education for the Roman Catholic priesthood in their own country, so that they might become national in their spirit and character, and no longer be imbued with those foreign prejudices which a foreign education inevitably engendered. But this object has not been realised, and the Roman Catholic priesthood are, in spirit and feeling, more estranged than ever from the Government. It is a mistake to say, that the grant has become prescriptive from ancient usage. It is true, that in the Act of Union there was a stipulation that certain grants for charitable purposes should be continued for twenty years; and though this grant was not specified, yet it was voted, for a series of years almost annually, but not altogether so. Some years were suffered to elapse without any grant being made. Sometimes it happened that the grant was diminished, and sometimes that it was increased; but it was not until 1845 that it assumed a more settled character.

Now, I ask the House to look at what has taken place in this House, from time to time, in reference to this grant. Will any one say that the grant was not made a matter of serious dispute in this House, and of resistance on the part of a number of its Members? These Members, though few at first, no doubt had been gradually increasing up to last year, when, upon the question of a small grant being given for some annual repairs to the College, I had the honour of submitting an Amendment, in opposition to the proposal, which was only lost by a majority of two. The rejection of that vote was solicited, and all but obtained, not on grounds of economy, but upon this principle—that in this Protestant country the House of Commons had no right to allocate the people's money to the maintenance of any such an institution as the College of Maynooth. The denial of the allegation that there could be any breach of good faith in withholding the grant, is not the only ground on which I desire to base the present Motion. What is contended for is, that in order to justify an inquiry it is sufficient that there should be, as I maintain there is, fair grounds for believing that the doctrines taught at Maynooth are injurious to public morals, and dangerous to the welfare of the community. If the Committee I now move for be granted, I will undertake to show that nothing can be more pernicious than the moral doctrines which are to be found in the class-books of Maynooth.

Surely it is the duty of the House to inquire into these things, and to consider how far the anticipations of those who introduced the Act of 1845 have been realised or defeated. On the 3rd of April, 1845, Sir Robert Peel said, of the measure he then proposed—

> "It is, I trust, conceived in the spirit to which I have referred—a liberal and confiding spirit. We have not introduced it without communication with the leading ecclesiastical authorities in the Roman Catholic Church. It has not been a subject of stipulation or contract with them. We

> have intimated to them our intention, and we have every reason to believe that they are satisfied with, and grateful for, the measure."

If, then, there has been no stipulation or contract on the subject—as, according to Sir Robert Peel, there had not—then it is clear there can be no breach of contract in withdrawing the grant. I will next ask, Have the expectations which were entertained when the grant was made, been fulfilled? Have the Roman Catholics met the grant in the spirit in which it had been given? I think it would not require much argument to show that they had not. I will again quote from the speech of Sir Robert Peel, before referred to, in order to show in what spirit the grant was made, and the results which were expected from it.

Sir Robert Peel said—

> "We are prepared, in a liberal and confiding spirit, to improve the institution, and to elevate the character of the education which it supplies. By improvement, I do not mean such an interference with the course of education as would poison all the good that one may derive from liberality. I mean that we should treat that institution in a generous spirit, in the hope that we shall be met in a corresponding spirit, and that we shall be repaid for our liberality by infusing a better feeling into the institution, and by insuring a more liberal system of instruction."

Has the grant, then, been "met in a generous corresponding spirit?"

I maintain that it has not. Now, what I maintain is, that the anticipations in which the late Sir Robert Peel has indulged on this subject, have been one and all falsified; that the clergy, so far from being better affected towards the Government, because of the grant, are more alienated than ever; and that the system of education, so far from being liberal and scholarly, is narrow and bigoted. When the College was first founded, nothing could exceed the feelings of delight and gratitude with which the College of the Propaganda affected to regard the liberality of the English Government. The letter of the Prefect of that College, conveying also the sentiments of the Pope at the time the College was first founded, contained many enthusiastic expressions of gratitude for the munificence of the English Government. It was with feelings such as these that the Roman Propaganda affected to regard the foundation of the College in 1796; but no gratitude has ever been practically exhibited.

The following is an extract from a letter, found at page 44 of the Report of 1827, addressed by the Cardinal Prefect of the College of the Propaganda at Rome, in 1796, when the College was founded, to the Trustees of Maynooth:—

> "We experience the deepest feelings of delight and mutual congratulation at the welcome news conveyed in your letter. The great liberality and munificence of your powerful Sovereign will to a great extent furnish you with the means of establishing a seminary for the education and the training of your youth to the sacred duties of their religion. Our first duty under the circumstances is to render our grateful thanks to the Most High. It is also our earnest desire that you will prove by your conduct the grateful sense you entertain for so signal a benefit. The inmates of the establishment should be sedulously admonished to be submissive to power and authority, so that no feelings of regret can ever be experienced for having conferred upon you such a benefit by every suitable means, a duty which we have no doubt you will be most sedulous in your endeavour to perform."

Now that was the nature of the instruction that was given by the Propaganda previous to the actual foundation of the College. Upon the faith of such a spirit being created, the original grant of 1795 was given. These were the expectations that were then held out. I will now show you that the teaching in the College of Maynooth has been exactly contrary to the pledge thus given by the Propaganda, inasmuch as the students are taught that no allegiance was due from them to heretical sovereigns. It was laid down in their books that every one who is baptized is subject to the Church of Rome—that there is but one Church, and that the act of baptism gives a dominion to that Church over every baptized individual; and every one who rejects that doctrine is a heretic, and is to be treated as such. The word "heretic" has, then, as the House will see, a most extensive application, and of necessity includes our most gracious Sovereign herself. Thus it appears that the grants made were obtained by fraud and artifice; and, on that ground alone, I submit that there is good ground for the appointment of a Committee. I will now read some extracts from these books. The first subject upon which I will touch is that of Oaths. Now, in approaching this subject, I must say I do not believe that the educated Roman Catholic laity either subscribe to or believe in the doctrines here laid down. But what answer is that to make when I shall prove that they are taught in the College of Maynooth? It is, then, to inculcate these views that we still grant the sum annually of 29,000*l*. It is to support those views that we have already raised and expended a much larger sum than any hon. Member in this House conceives. An enormous sum has been given altogether by us for the teaching of these doctrines.

But to return to the point of oaths. What is the doctrine laid down on this subject? I find in Bailly (class-book), a Paris edition, 1826, in volume vii., p. 366, the following proposition. Bailly says—

> "It is clear that oaths, being made to God alone, may be changed for a just cause, or may be relaxed by dispensation from a lawful superior; for in this respect vows and oaths are on an equal footing."

Bailly proves this dispensing power—first, from Scripture, Matt. xviii., "Whatsoever ye shall loose on earth shall be loosed in heaven." In the Eighth Report of the Commissioners before quoted, Professor Anglade (p. 171), and Dr. M'Hale (p. 283), both justify this application of Matthew xviii. Secondly—

> "This is proved from the universal custom of the Church. This power is expedient—nay, necessary, for the common good of the faithful; for that which was better at one time, and more useful to their safety, may afterwards become less good and less salutary."

I will suppose that this country is invaded by a foreign Roman Catholic Power. Why, according to these doctrines, all who have sworn allegiance to the Sovereign of a Protestant State might be released from their allegiance if it came under this description. Do you believe that Roman Catholics thus taught, feel they owe as much allegiance to the Sovereign as Protestants? I must, however, admit that I am in the daily habit of meeting Roman Catholic gentlemen whose oath or word I would take to be as binding as those of any Protestant; but that is not the question. I am now merely asking them what they teach in this College of Maynooth. I am confident that we are as safe in the allegiance of the well-educated Roman Catholic laity of both countries as in that of Protestants, or the members of any other Church; but I say that there is an ignorant class of Roman Catholics who are taught by those very priests who imbibe these doctrines. The lower classes in Ireland have no time to think for themselves, and, from the nature of their religion, they are obliged to receive whatever the priests tell them, who are imbued with those principles to which I have referred, as taught at Maynooth. Do you then wonder that the verdicts delivered in Ireland are very frequently and notoriously against evidence?

Mr. Spooner

Give me the inquiry I ask, and you will find that I have not in the slightest degree overcharged the picture which I have ventured to submit to your attention. Now, there are stated in the same page twenty-four ways of getting out of an oath. Surely no confidence can be placed in these oaths when we find so many ways laid down for evading them. I will not trouble the House with reading the whole of these twenty-four ways. Bailly, upon *Moral Theology*, in vol. vii., chap. 2, page 343, says—"A promissory oath obliges, under the penalty of mortal sin, to do that which is promised in the oath, unless a legitimate cause excuses." At page 345 there is a section with this title—"Of the causes which hinder or take away the obligation of an oath." Of these, seven are named; the third is "The hindering of a greater good which is opposed to that promised in the oath" (which is susceptible of a wide ecclesiastical range). The seventh cause excusing is the—

> "Limitation, either expressed, or even tacitly and silently understood, of the intention of the swearer. . . . For, in every oath certain general conditions are, from justice and use, included; one of them is, 'if you accept, unless you remit,' another (condition) is 'saving the right of another.'"

If, then, a religion inculcating doctrines like these is growing and abounding among us, what security have we for the observation and sacredness of Oaths? Now, I believe that the Roman Catholic Members of this House are ignorant of the existence of such doctrines, or they would at once repudiate them. I ask you, then, will you refuse an inquiry into a system such as this, with a view of proving whether those charges are correct or not; and if they are proved to be true, with a view of saying that these things must not and shall not be, in this of obeying the voice of the whole kingdom, which, ere long, will be felt in this House in a manner which you will be totally unable to resist?

On this ground, then, I ask you to put a stop to this system, before you are compelled to do so by a pressure from without, which it is always dangerous to provoke, and which, when provoked, can never be successfully resisted.

I come now to another point, and that is the canon law, and the House will recollect that when Cardinal Wiseman came to this country he openly professed that his object was to establish that law. Now what says Reiffenstuel? [*Cries of* "Who is Reiffenstuel?"] The very question now asked shows how little hon. Members know of the subject, and how necessary the inquiry for which I plead—he is a Lord Bacon of the Roman Catholics, and whose work on the canon law, *Jus Canonicum Universum*, is a standard book at Maynooth—what does he say on the subject of oaths? In book 2, sec. 2, page 495, he says—

> "In every promissory oath, though made absolutely, there are understood certain tacit conditions, as, 1. 'If I am able;' 2. Saving the law and authority of my *Superior*."

Observe, this is a part of the canon law which Dr. Wiseman is determined to establish in this country, and which is now taught in the College of Maynooth. Once let him induce Roman Catholics to believe that this law is binding upon them, and where, I ask, will you find any security for your persons or property, the institutions of the country, or the existence of the monarchy itself? This high authority then goes on to say—

> "It is agreed (among the doctors) that an oath is unlawful, and cannot be kept which does not reserve the honour of the Apostolic See, because, truly, if a just cause arises, the Pope can dispense all vows and oaths."

Why, "the honour of the Apostolic See" is concerned in putting down all the Protestant bishops and clergy of the country; and that honour would also be concerned in putting down that spirit of civil and religious liberty which, I have no hesitation in saying, finds its most powerful support in the Protestant Reformed Church as by law established. Yet the House of Commons granted the public money to teach the ignorant and deluded victims of the Papacy that if they had sworn an oath which they might conceive to be contrary to the dignity of the Pope, such was not binding upon them, and that they were released from its obligation. Reiffenstuel proceeds:—

> "A fourth condition is, if affairs remain in the same state; that is, shall not have been essentially changed. The reason is, that the person making oath had no intention of binding himself to a thing very difficult, or even improper, such as might occur when some remarkable change in affairs supervened; and, therefore, his oath is to be so interpreted that it does not extend to matters unforeseen and unexpected."

Yes, circumstances might change. They who were called heretics might become weak, and then the oaths taken by Roman Catholics would cease to be binding. Any person who reads this work would find one principle pervading it throughout. It was this, "If you find you are too weak to put down heretics, let them alone; bide your time; but if circumstances change, and you become strong, you are altogether absolved from your oath of allegiance, and you may do your best to destroy heresy and heretics." Again I warn you, then, if you allow these things to go on little by little—if you go on sanctioning these principles by granting funds for their dissemination, you will at no far distant day have a practical illustration of the trite old proverb—"Eggs first, eagles afterwards." Again, Thomas Aquinas, who, by the Eighth Report, before quoted, is constituted by the College of the Propaganda to be a great final referee in all disputed questions, and who, for his extraordinary virtues, was canonized a saint by the Roman Catholic Church, in discussing whether a prince who was apostate from the faith forfeited his dominion over his subjects, said, that "as soon as a prince was excommunicated on account of his apostacy from the faith, his subjects were *ipso facto* absolved from their allegiance." (Tho. Aq. Secunda—Secundæ, Quest. xii. art. 2.) I will now refer to the question of honesty. In the above Maynooth class-book, Bailly's *Theologia Dogmatica et Moralis*, Paris, 1826, vol. vii., chap. 7, p. 455, I find this clause:—

> "Q. How great must be the quantity of the thing stolen in order to constitute theft a mortal sin?
>
> "A. The quantity cannot easily be determined, since nothing has been decided on this point, either in natural, Divine, or human law."

Then, referring to sundry opinions, he supposes a distinction of men into four ranks corresponding with the aristocracy, the middle class, the working class, and beggars; and says—

> "That it has been generally laid down and determined that, in order to theft being a mortal sin, when committed on persons of the first rank, 50 or 60 pence are sufficient: with respect to persons of the second rank, 40 are enough; with respect to persons of the third rank, 20 or 10; with respect to the fourth rank, 4, or even 1, if they have nothing else to live on. Hence we do not give the aforesaid rule as a thing on which you can rely with certainty, but it is good, as something to guide confessors, all the circumstances being (by the confessor) prudently considered."

Now, I should like to know if any Gentleman whom I have the honour to address, being a merchant or banker, and having large sums of money which pass through the hands of confidential clerks, would desire to see such a rule as this received in his warehouse or counting-house—that if you steal from a rich man to the amount of fifty pence, or any sum below that amount, you need not confess nor get absolution for the offence? Yet, to such a rule as that we give the sanction and encouragement of Parliament; and I say that we ought at once to get rid of it. Once more, I return to "Reiffenstuel," the great expounder of the canon law. Concerning heretics bound by the canon law, in book 1, tit. 2, page 138, I read—

> "Question 3. Whether heretics are bound by ecclesiastical constitutions?
>
> "Answer. That although heretics all over the world do, in fact, resist pontifical constitutions, nevertheless they are bound to them by law. Lugo says it is most absurd for any one to deny this. Heretics are bound by ecclesiastical laws; the reason is—that heretics, by baptism and the reception of the Christian faith, are now entered into the Church and become its members, and therefore remain bound by its laws. And truly, if heretics are not bound to ecclesiastical constitutions, the whole penal code of the canon law, and of all other constitutions ecclesiastical which have been put forth against heretics, are void."

According to this we are bound, every one of us, as heretics, by those ecclesiastical laws which are actually set up now by the Pope's agents in this United Kingdom, in antagonism both to the Parliament and the Sovereign; and yet this is the doctrine for the teaching of which we endow and maintain the College of Maynooth. Surely no one in this House is prepared to justify a doctrine so adverse to the laws of the land and the authority of the Sovereign as that. Princes are to be sworn to aid "the Church" against all heretics. (Reiff. lib. v. tit. 7, p. 252.) They are not to permit the exercise of their religion—they are zealously to exterminate them to the uttermost of their power—they are to be sworn to do this:—

> "But if they shall be unwilling to observe their oath, let them be deprived of the honour they hold [be ineligible for other honours, be bound under excommunication], and their lands placed under an interdict of the Church."

And again—

> "If, therefore, a temporal ruler, required and admonished by the Church, shall have neglected to purge his territory from heretical filth, let him be bound by the chain of excommunication by the Metropolitan and other com-provincial Bishops; and if he shall have contemptuously refused to make satisfaction within a year, let this be signified to the Pope, that he may declare his vassals to be henceforth absolved from their allegiance to him, and give up his territory to Catholics, who without any contradiction shall possess it, having exterminated the heretics from it."

Mr. Spooner

Hear this, ye who claim to be, *par excellence*, the friends and defenders of civil and religious liberty. In book 5, tit. 7, question 6, page 281, of the same authority, it is asked—

> "Are vassals and servants and others freed from any private or individual obligation due to a heretic, and from keeping faith with him? (*Et fide eidem servanda.*)
>
> "I answer affirmatively. All are so from the clear disposition or ordering of the law" [referring to the authorities he quotes it thus], "They may esteem themselves freed, or released (*absolutos*), from the debt of fidelity or obedience to such a person, and of all obligation by any kind of covenant, though fortified by any sort of affirmation, where any one has clearly fallen into heresy."
>
> "No. 311. The conclusion in this case in which any one is bound by an oath to a party who has fallen into heresy is (referring to authorities) that the doctors commonly conclude that the Pope, for the cause of religion, can for this fault absolve the laity from an oath of fidelity, and from every other obligation on oath which previously attached to them towards the delinquent. And this, because in every promise it is understood, 'excepting the cause of religion,' as well as because in such an obligation and oath it is tacitly understood."

If you place priests imbued with such doctrines among an ignorant deluded people, is it a matter of surprise that they should be induced to rebel against one whom they regard as an heretical sovereign? Reiffenstuel further says—

> "No. 312. It is inferred that he who owes anything to a heretic by way of purchase, promise, exchange, pledge, deposit, loan, or any other contract, is *ipso facto* free from the obligation, and is not bound to keep his promise, bargain, or contract, or plighted faith, even though sworn to a heretic."

How can our common contracts be deemed safe if such laws as these are suffered to be promulgated at the national expense? And to this end he decides, "No. 309, that if the heresy is manifest, no declaratory sentence is required," that is, no open denunciation. Such was the doctrine taught at Maynooth, and paid for by the sanction of this House. Concerning the toleration of heretics, lib. 5, title 7, page 252, this Lord Bacon of this Roman Catholics says—

> "It is asked if the Princes or Governments of Catholic States may receive and tolerate heretics in their territories, and (tolerate) their rites and exercises of religion?
>
> "I answer, first, by saying that, ordinarily, neither by the common or civil law, nor yet by the canon law, are Catholic Princes to tolerate heretics in their territories, and much less permit the exercise of their rites, or religion, or, rather, their false sect; but are bound most severely to repel and expel them from all places. This conclusion is most clearly made known by the text of the canon law."

He then quotes the following as a portion of the canon law:—

> "We decree, moreover, that earls, barons, and consuls of States and other places, at the admonition of their Bishops, shall promise, having given their personal oath, that whensoever they shall be required by them, they shall faithfully and effectually give their aid to the Church, *bonâ fide*, according to their duty and power, against heretics and their accomplices."

In lib. 5, tit. 7, sec. 10, page 301, No. 451, it is inquired, thirdly—

> "In what manner Princes or other Powers, and secular Judges, ought and may conduct themselves in the case of heresy; especially in the case in which the process against it is intended to be taken by the inquisitors, and by the bishop?
>
> "I answer, first, that all Princes and secular Powers not only are incompetent to take cognisance of heresy, but rather, if they are invoked (required) to assist the Bishops as well as the inquisitors, whenever any of them wish to proceed, inquire, or take process against heretics. They are bound, moreover, to execute forthwith the punishment imposed by the Ordinary or the Inquisitor; or if the heretics are delivered up to them to be punished by the ordinary sentence of the law, they are even to punish with death."

He answers, secondly—

> "That secular Princes must not defer to execute the sentence of Bishops and Inquisitors *because those Princes have doubts* as to the validity or justice of them; and if they demand to see or examine the process, the ecclesiastical judge is to deny them."

And, thirdly, he answers—

> "That though they may not review or interfere with the judgment of Inqusitors and Bishops, they may and ought to catch the heretics for them."

And for all this he quotes the canon law and the bulls of Popes (Innocent VIII.) as part of it. Concerning the immunity of the clergy from civil jurisdiction for any crimes, theft, adultery, &c., that they may commit, in book 2, title 1, sect. 4, p. 12, the question is asked—

> "Who is the ordinary judge in criminal causes of the Clergy?"
>
> "A. First, in every crime the Clergy must be brought before the ecclesiastical judge. The layman cannot be the ordinary judge of the Clergy, notwithstanding any custom to the contrary. The reason is, because a secular judge has no jurisdiction over the Clergy, seeing they enjoy a privilege of court, and are exempt from the civil judge's jurisdiction. And, above all, should the civil judge proceed in criminal cases against the Clergyman, the clerical order would fall into great disgrace and contempt if the secular judges, who are the inferiors of the Clergy in rank, should take cognisance of their crimes and punish them, and thus bring into judgment their betters and superiors. *Certainly, a sentence pronounced upon those who are not subject to the judge does not bind.*"

Again, another Roman Catholic, Maldonatus, in commenting on the 5th chapter of Matthew, asks whether there is any other crime than adultery for which a man might put away his wife; and the answer is, "Yes, for the crime of heresy or parricide, which were worse than adultery."

This Maynooth commentator on the Gospels, which it may be supposed that the students read with more than ordinary attention, further writes on Matt. xiv. 12. "Heretics are not worthy to be buried like others, but rather with the burial of an ass." In the very index of this author are these references:—

> "Heretics are like worms or bugs—they are false prophets, nor when they utter truth are they to be heard—they are like Sadducees—they are to be punished with death."

Again, on John iv. 9.—

> "Heretics are more worthy of punishment than the heathen are of pity."

I appeal to this House, whether it be probable, or even possible, that priests who are instructed to receive and propagate such laws as these, should be loyal themselves, or make those to be good and loyal subjects to a Protestant Queen, who are under such guidance and instruction? I will now proceed to another branch of this Roman teaching for which this country has to pay, and of which it may be well said that "it confines the intellect and enslaves the soul." I will not pollute the ears of others, or my own lips, with the filth relating to Confession inculcated by the class-books at Maynooth, and which, in point of fact, if I had not felt myself obliged to look through those books, I could not have believed there were men to be found who would suffer such doctrines to be taught. I will only make one remark upon this, which I have taken from Bailly, vol. iv. page 262–3. It may be said that the case now alleged shows caution, and is an exception; but what must be the general working of a system that requires such caution; and does not such an exception prove the rule itself to be corrupt indeed? "An author, Pictavius, the Theologian, is quoted by him, whose advice being useful and necessary to young confessors, it is well in this place to quote, a few things being altered:"—

> "Penitents are to be questioned only as to those sins which are most common and usual among that class of persons, and are to be asked, not if they have committed them at all, but how often they have done so; and if they seem to doubt and hesitate, then require them to state the greatest number of times—as did he swear

100 times—for experience teaches that thus the interrogated answer more readily.

"As to sins against chastity, the confessor must interrogate most cautiously, especially lest the younger penitents should learn those vices of which they are as yet happily ignorant.

"Alas! with great grief I say it, I have known penitents when on the bed of death, who had grown old in crimes against chastity which they had not known but from the filthy and incautious questions of confessors, who more rightly deserve to be called contaminators than confessors."

But there is something more to be said on this subject. What was the judgment of the late Sir Robert Peel, who, speaking on the Motion of Sir Francis Burdett on the 6th of March, 1827, said—

"I will own fairly and candidly, that I entertain a distrust of the Roman Catholic religion. I object not to the Catholics on account of their faith. For them I have the highest respect. In private life I have never made any distinction between persons on account of their religion. It is a matter of perfect indifference to me whether or not a party professes the doctrine of transubstantiation; but if there is added to that doctrine a scheme of worldly policy of a marked character, I have a right to inquire into its nature, and observe its effects upon mankind. Can any man acquainted with the state of the world doubt for a moment that there is engrafted on the Catholic religion something more than a scheme for promoting mere religion—that there is in view the furtherance of a means by which man may acquire authority over man? Can we know what the doctrines of absolution, of confession, of indulgences are, without a suspicion that those doctrines are entertained for the purpose of establishing the power of man over the hearts and minds of men? What is it to me what the source of power is called if practically it operates as such?"

And now I will appeal to hon. Members to say whether, if a man fully opened his bosom to another and told him all his sins, faults, and transgressions, be they great or small, I ask, is not that man who has thus confessed to another the slave of that other in the very worst sense? Yet that is the doctrine which is taught at Maynooth—the doctrine of confession. Look at the class-books and see if I have overstated the matter. What says Bailly on the "Seal of Confession?" In vol. iv., p. 270, of the Paris edition of 1826, occurs the following proposition:—

"By natural, by Divine, and ecclesiastical law, the priest who receives confession is bound to secrecy." "The second part is proved, because the priest hearing confession acts as Christ's substitute, and personates Christ."

Then are recited the punishments of priests who divulge confession—ignominy, banishment, deprivation, death; civil magistrates should burn them. He asks, "Is it in no case lawful to break the seal of confession?"

"In no case without the express leave of the party—not even to escape death, nor for the spiritual or temporal good of the penitent, nor to guard the Republic (the State or Nation) from however great an evil."

These are the doctrines which are taught at Maynooth, and which you have allowed yourselves to maintain and support. I am sorry to be troubling the House with so many citations, but I must go through my task, and show what is taught at Maynooth, which the people of this country are required to support, while at the same time the Sovereign is required to pledge Herself to maintain a Church which denounces the doctrines taught at Maynooth as "blasphemous fables." "The Seal of Confession," it is laid down, "was in no case to be broken, without the express leave of the party." Treason may be confessed, but the confessor was bound not to reveal it. In the year 1845, when the question of the increased grant was mooted, a book was published by a well-known Roman Catholic, Mr. Eneas M'Donnell, in which were given extracts from a petition signed by the Roman Catholic Prelates in the year 1792, just before the foundation of the College. The petition was addressed to the Irish Parliament, and showed a very different tone of mind on the part of the Roman Catholics from that now exhibited, and showed also the line of conduct to which they pledged themselves. It is for the House to see whether they have observed that pledge. In 1792 the Roman Catholic Prelates of Ireland petitioned to this effect:—

"With regard to the Constitution of the Church we are indeed inviolably attached to our own: first, because we believe it to be true, and next, because beyond belief we know that its principles are calculated to make us, and have made us, good men and citizens. But as we find it answers to us individually all the useful ends of religion, we solemnly and conscientiously declare that we are satisfied with the present condition of our ecclesiastical polity. With satisfaction we acquiesce in the Establishment of the National Church; we neither repine at its possessions nor its dignities. We are ready upon this point to give every assurance that is binding upon men."

In 1808 these assurances were repeated:—

"Your Petitioners most solemnly declare that they do not seek or wish in any way to encroach upon the rights, privileges, possessions, or revenues appertaining to the Bishops and Clergy of the Protestant Religion in the churches committed to their charge, or any of them."

I ask you to remember the cheers on the other side a few moments ago, when I referred to the United Church of England and Ireland, and then to say how the spirit evinced by those cheers tallied with the tone of that petition of the Irish Prelates in 1792. What is become now of not wishing to encroach upon the privileges and possessions of the Established Church? Have we not heard it stated in this House that nothing would satisfy the Roman Catholics of Ireland until the revenues of the Church were taken from it, and distributed amongst them?

Again, Dr. Collins, afterwards made bishop, stated that there was not the slightest disposition on the part of the Roman Catholics to disturb or dispossess the Protestant Hierarchy; that he could make the most solemn declaration to that effect, and could undertake to say that not a single Roman Catholic Clergyman would contradict what he averred, namely, that they had no wish whatever to disturb the Protestant Establishment and the existing arrangements of Church property, and that if the Roman Catholic disabilities were removed they would acquiesce in those existing arrangements. [Mr. E. Macdonnell's *Appeal*, 1845, p. 17.]

Such were the opinions and sentiments circulated and believed with reference to the Roman Catholics at the time that the question of the removal of their disabilities was agitated; and relying upon which, and the arguments founded upon them, I supported their removal in the year 1829. I thought the arguments of Mr. Canning unanswerable at the time of the question. That great statesman said—"When you keep the Roman Catholics out of Parliament because you say they are not bound by an oath, what is it keeps them out of Parliament but their being bound by an oath?" and Mr. Canning added to the effect, "and if an oath is sufficient to keep them *out* of Parliament, why do you doubt that an oath would be sufficient to direct their conduct when in Parliament?" That argument appeared to me unanswerable at the time. But this is now fully explained; this problem is solved by the construction put upon the nature of an oath by the books already referred to, which teach that an oath is binding only till circumstances change, or till it becomes the interest of the "superior" that it should be broken. But how has the favour then bestowed been since regarded, and to what use has it been applied? In the address of the Secretary of the Catholic Defence Association to the Catholic Electors of Ireland, which was lately published, the following passage occurs in reference to some observations which had been made elsewhere by the noble Lord at the head of the Administration. It is impossible for me to read the document signed by my near and dear relative without the most painful emotions. I regard him with respect because I believe he is honest in his convictions, and I earnestly trust that he will yet be recovered to the true and sound religious principles in which he was educated. Mr. Henry Wilberforce thus writes:—

> "These, then, are our crimes. The Pope has taken the steps which he thought necessary for the spiritual benefit of the Catholics in England, and we and our Clergy have disobeyed a law which we could not have obeyed without denying our God and our faith.
>
> "But observe, Lord Derby is 'disappointed;' he expected that these things would have been prevented by the fruits of the endowment of Maynooth.
>
> "He is 'disappointed!' When he agreed to endow Maynooth he expected that in consideration of this endowment the Supreme Head of the Catholic Church upon earth would abandon the measures which he thought necessary for the good of the Catholic Church.
>
> "He really believed, it seems, that he could buy the holy Roman Church to abandon her own principles and duties, and that not in Ireland only, but in other countries, for the sum of 26,000*l*. per annum to the College of St. Patrick, Maynooth.
>
> "This is the exact price at which he valued the holy Church throughout the world.
>
> "It is strange that with history before him he should have dreamed that the Catholic Church could be bought at any price; stranger still, that he should suppose any men, however base, would sell it for a bribe so contemptible.
>
> "He values the consciences of rulers and members of the whole Church throughout the world at the sum of 26,000*l*.
>
> "But he is as much disappointed by the fruits of the endowment in Ireland as at Rome.
>
> "He expected the Catholic clergy of Ireland would have obeyed the law, and they have openly refused obedience to the Ecclesiastical Titles Act.
>
> "Who are they who have disobeyed this law? The archbishops and bishops of Ireland. They have treated it as they were in duty bound, simply as if it did not exist."

Was not that a declaration showing how the expectations even of the majority of Parliament had been defeated. Was it not clear from that statement that the favours already conferred on them were fraudulently obtained in order to entrap us, and to turn the gift bestowed against the hand that presented it? In the speech of the noble Lord (Lord J. Russell) on the Papal aggression last year, the noble Lord clearly showed that the relations between the Roman Catholics and the people of this country were wholly changed, that the circumstances were changed, and that something should be done to stop that aggression. In a letter also which the same noble Lord

(Lord J. Russell) had addressed previously to the Bishop of Durham, the same sentiments prevailed. For that letter I heartily thanked the noble Lord in this House; but, alas! it was but a letter. It would appear, too, from a letter addressed by a Roman Catholic prelate, Dr. M'Hale, that the Irish Members were in future not merely to canvass their constituencies, but in the first instance to conciliate the Pope's Irish bishops; and that letter contained the following passage:—

> "As our holy religion has been recently subjected to penal enactments at once injurious and insulting, no person should be permitted to aspire to the representation of our counties or boroughs, but one who will be prepared strenuously and perseveringly to vindicate our religion from such hostile as well as impolitic legislation."

The subject is not at all exhausted, but I will not weary the patience of the House, or trespass any longer upon its attention. I have shown, I think, that by supporting this grant you are giving aid and encouragement to a religion which is subversive of morality, dangerous to the existence of the social compact, and is in direct opposition to the observance of dutiful allegiance to the Sovereign. The Papal aggression has opened the eyes of the people of this kingdom, and from one end to the other they are urging you to resist that system. They now see that the rebellion, contumacy, and disloyal conduct of Ireland are in perfect accordance and full consonance with the doctrines inculcated at Maynooth. To you, the Irish Opposition Members, I would say it is your bounden duty to consent to the inquiry. If I am wrong, you are right, and a full and fair inquiry will enable you to vindicate your system from the charges I have made against it. I fear not, I hesitate not, to say that every word I have advanced is capable of proof. I challenge you to disprove it if you can. But the people of this country will not be satisfied unless a full inquiry takes place before a Committee of their own House, fairly and impartially chosen. I therefore move, Sir—

> "That a Select Committee be appointed to inquire into the system of education carried on at the College of Maynooth."

The MARQUESS of BLANDFORD, in seconding the Motion, said: I do not mean, Sir, to enter upon the various details of the subject which my hon. Friend has so ably treated at length; but there are one or two subjects which have not been touched on—not embodying details, but principles, and to which I wish briefly to refer. I know that a proposition of this nature may be thought by some to have emanated from a party out of doors, holding narrow sectarian views; but, deeply as I feel on this measure, and fully impressed as I am with the necessity of a full and efficient inquiry into all the facts, I beg to say I have no connexion with any one party or other in the matter. There may have been an expression of public opinion out of doors; but in that expression I have taken no part, reserving to myself the opportunity of expressing my opinions within the walls of this House. The subject has undoubtedly been most ably dealt with by my hon. Friend the Member for Warwickshire; and his statement leads to this one only conclusion—that if the facts are true which he laid before the consideration of the House, there is but one inference to be drawn, and that is, the House is bound to repeal the grant to Maynooth. It is because I have that object in view—because I advocate the absolute and unconditional repeal of the grant to Maynooth, that I now second this Motion. I have weighed this question most carefully, and my conviction is that the repeal of this grant is necessary, as a portion of that wise and constitutional policy which is required by the interests of the State. I was one of those Members who supported the late Sir Robert Peel in 1845, in voting for the increased grant to Maynooth. If at that time I did not entertain the strong opinions I now do, it was owing to the absence of a full inquiry into the true nature of the Roman Catholic religion. But if I had even felt inclined to doubt the policy of that measure, still I and those who voted with Sir Robert Peel on that occasion were placed in an exceptionable position. Sir Robert Peel was not introducing a new measure, but a peculiar Amendment, required, as it was thought at the time, of a policy which dated from before the Legislative Union between England and Ireland. It was stated then by Sir Robert Peel that three courses were open for consideration in the matter: either, through respect to conscientious scruples, to repeal the grant altogether; or to leave it in its then inefficient state; or to increase it, and thus make an attempt to conciliate the Roman Catholics of Ireland. I regret to say we were then mistaken in the views we then entertained. I admit the late Sir Robet Peel entertained high, noble, and generous feelings upon that occasion: it was a feeling which was participated by other statesmen equally great, conscientious, and illustrious as he was. They were mistaken; and there are instances of men equally illustrious having been equally mistaken. In 1792, when the French constitution was first promulgated, Mr. Fox, then a Member of this House, said of it, that it appeared to him as a dawn of light bursting in upon the darkness of despotic France; and he said—little apprehending the evils that were to follow—that he believed that constitution to be the most splendid edifice of freedom ever reared upon foundations of human integrity. But everything pertaining to that period was seen in a juster light by the sounder and more sober judgment of Burke. Again, another instance of an illustrious man, equally mistaken, was presented in 1813, when Mr. Canning, I think, introduced a Bill to remove the Roman Catholic disabilities. Looking to the success of that measure, and actuated likewise by the most generous motives (but still mistaken), Mr. Canning said—

> "To pause now—to retrograde now—would be to descend from the pinnacle on which we are now placed, and which commands a view of the affection, the harmony, and the gratitude of our Roman Catholic subjects—would be to lose all the ground we have gained. That ground once lost will not be easily recovered. There is a tide in the affairs of man, upon the summit of which we are now riding towards the accomplishment of our object. The hands of Protestant and Catholic are outstretched to meet each other, and nearly touching."—[1 *Hansard*, xxvi. 75.]

Those were the honest views of that illustrious man; and he was mistaken. After such remarkable instances of erroneous views held by men of gigantic intellect, we may well pause in pursuing a policy even recommended by a statesman in whose judgment we should be naturally inclined to rely. In connexion with this view of the subject, I may observe that the people of this country no doubt are desirous of extending the boon of education to their fellow-subjects in Ireland; but let us see how the boon has been received. I must say it is my solemn conviction we shall never be able to carry out the views which we desire to effect. The three modes adopted were these: In the first instance we have the grant to Maynooth, instituted in 1795, when the French Revolution was terrifying all Europe. It was made for the purpose of providing education for the Irish priests at a time when they could not obtain it elsewhere, and with a view to introducing a better spirit amongst them. The memorial of the Roman Catholic Prelates of that day to the Lord Lieutenant, I should wish to compare with other statements which I also desire to read to the House. It was as follows:—

> "Believing that piety, learning, and subordination would be thereby essentially promoted, your Excellency's memorialists are inclined to undertake the establishment of proper places for the education of the Catholic faith in their communion; and it being believed by counsel that his Majesty's Royal licence is necessary in order legally to secure the funds which they appropriate for that purpose, they humbly beg leave to solicit your Excellency's recommendation to our Most Gracious Sovereign, that he will be pleased to grant his Royal licence for the endowment of academical seminaries for educating and preparing young persons to discharge the duties of Roman Catholic clergymen in this kingdom under ecclesiastical superiors of their own communion."

In 1799 the Roman Catholic Prelates, in a petition, expressed the opinion that—

> "A more faithful attachment to Government, and a more dutiful submission to the laws, must be naturally looked for from the zealous exertions of instructors, who, by the inculcation of those important duties, must feel themselves urged by a strong impulse of gratitude to enforce and illustrate the general principles on which those duties are founded."

I will just compare that statement with a passage from an edition of a Dublin newspaper, which contained an extract from the *Tablet*, embodying a letter which, I believe, is authenticated as having been written by the late Lord Lieutenant of Ireland (the Earl of Clarendon) to the Earl of Shrewsbury. Let us see the result of the policy of 1799 and of 1848. Lord Clarendon is there assumed to have written as follows:—

> "It is very true that the Pope ordered the clergy not to meddle in politics; this he did in 1847, in the same rescript in which he condemned the Colleges. The second part was received with reverence, as hostile to the Government; and the first was obeyed by the clergy rushing headlong into the revolutionary movement of '48, when nothing saved them except their belief in the impartiality of the Government—in which they were quite right, because if the legal evidence of their guilt had been as strong as its moral certainty, several of them would now have been along with their friends in exile in Van Diemen's Land."

That shows the result of the first measure. Now let us see the effect of the second measure—that of founding the Queen's Colleges. To that measure I am not hostile; I only put the matter forth to show the spirit in which that measure has been received by the Roman Catholic clergy. In moving for leave to bring in the Bill for their establishment, the right hon. Gentleman the Member for Ripon (Sir J. Graham) told us that that measure would conduce to the order and concord of that country.

But are the Roman Catholics allowed to participate in the benefits of these institutions? I hold in my hand a letter of Archbishop Cullen's to the clergy of the archdiocese of Armagh, referring to these colleges. Archbishop Cullen says—

> "I know that attempts have been made to lessen the effect of the salutary admonitions contained in the solemn and authoritative documents published by the Synod of Thurles, and that certain anonymous memorandums and irrelevant statements have been industriously circulated to disturb the public mind. Such devices are not to be attended to, and will have no lasting effect. The admonitions of the synod are clear and decisive; and in full conformity with the rescripts of the Apostolic See. All Catholic parents have been warned of the 'grievous and intrinsic dangers' of the institutions; they have been called upon 'to save their children from their influence;' the terrible account has been announced to them which they shall have to render to Jesus Christ for the souls purchased by his blood if they betray these little ones, who are so precious in his sight, into grievous dangers, or suffer them to be perverted by a corrupt system of instruction."

Owing to this address to the Roman Catholic clergy, what is the position in which the people of Ireland are placed? Does it, as the right hon. Member for Ripon said, conduce to order and harmony among the people, when families and society at large are thus divided against each other—when Roman Catholics are driven to the alternative of obeying the Church and abstaining from the blessings of education, or incurring the peril of being excommunicated by their clergy? I now come to the third method adopted for the education of Ireland—the national system of education. The scheme was brought forward on the same principle, and emanated from the same noble and generous motives. For my own part, I must say, I disapprove of the plan. These schools may have effected some good—all education is to a certain extent productive of good; and any education is better than no education at all. But how is this system treated by the Romish clergy? These are not the words of Archbishop Cullen, but they are the opinions of a French prelate, whom he quotes in confirmation of his own views. Speaking of the national system of mixed education in France, he says—

> "The rock I allude to is that indifference in matters of religion which is practised in public, and, as it were, in an official manner, in certain educational establishments. In these houses, heresy and Catholicity, have, without hesitation, been placed in presence of each other—there is a temple for one, and altars for the other—one portion of the youth is obliged to receive instruction in the true faith, the other an heretical teaching. What disastrous impressions must not be produced on the yet scarcely awakened reason of the Catholic youth by this even-handed favour, or rather by this indiscriminating indifference, with which creeds the most opposite have been treated? What value will he attach to the dogmas and practices of his worship when he will know that under the same roof and same protection these dogmas and these practices are represented to some of his fellow-students as so many superstitions?"

These are the opinions entertained of our endeavours to afford the means of instruction to the people of the sister island. The nature of the grant to Maynooth is peculiar and exceptional. It is different from the grant to other religious bodies. Those grants are for the most part for the support and endowment of the clergy. We educate in that establishment the priests of a Church which is not our own, and over whose future actions we have no control. We give the *Regium Donum* to the Presbyterian Protestants of Ulster, it is true, but that is for the endowment of the Presbyterian clergy; but the grant to Maynooth is not for the support and endowment of a Church, but for the education of a clergy who may be sent to all parts of the world to propagate Roman Catholic doctrines at the expense of the people of this country. Under these circumstances, therefore, I give, most unhesitatingly, my support to the Motion of my hon. Friend the Member for North Warwickshire (Mr. Spooner). I call on the House to institute an inquiry into the system, and eventually—as I think they must—to repeal an endowment which is repudiated by the people of the country of all political creeds — Conservative, Liberal, Free-trader, and Protectionist. A system against which you had in 1845 ten thousand petitions and a million and a half of signatures, and against which, in the present Session, you have had no fewer than 500 petitions. I call upon the House, therefore, to grant the Motion of my hon. Friend, and in so doing to take the first step towards the repeal of a measure repugnant to the feelings of the people of this country, opposed to their conscientious religious convictions, and repudiated even by the very persons whom we desire to benefit.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to inquire into the system of Education carried on at the College of Maynooth."

MR. CHISHOLM ANSTEY having listened with great attention to the speech of the noble Lord (the Marquess of

Blandford) was perfectly astonished at the conclusion at which the noble Lord had arrived. There was not a line of the noble Lord's speech which did not prove that no inquiry was needed, and that the House already possessed sufficient grounds to justify the repeal of the Maynooth grant. Every one of the reasons which had been assigned by the hon. Member for North Warwickshire (Mr. Spooner) and the noble Lord for an inquiry, was fatal to the object of their Motion. It was evident, therefore, that in making it they were not sincere. The Motion had been shaped with a view to the necessities of the Ministry, and had been formed into a sort of couch to soften the fall of their friends from the high principles they professed when out of office. The hon. Member first gave notice, so long ago as February last, of a Motion on the subject of the Maynooth grant—the object of the hon. Member and his friends being to create a little political capital out of the subject. But when he found the present Government unexpectedly in the possession of office, he backed out of his original Motion; and it was only by the derisive cheers of his opponents that he was forced to bring the subject forward at all even in its present weakened form. It was, therefore, that he had given notice of an inquiry into a matter that, according to himself, needed no inquiry at all. The hon. Gentleman's Motion was open to another objection. It referred to the Maynooth grant only. But he (Mr. C. Anstey) felt that the attention of the House should be called to all similar grants, whether for Catholic or Protestant purposes. He grounded his opinion upon this principle, that the House had no moral right, although they might have the legal power, to appropriate for such purposes as those grants contemplated the money of the people. They had no right to apply money collected by taxation of the Roman Catholics to Protestant purposes. On the other hand, they had no right to require the Protestant taxpayer to submit to have his money appropriated against his will for the support of the Roman Catholic College of Maynooth. It was no doubt considered a great outrage against the conscience of a Protestant to have his money applied to the propagation of what he deemed to be idolatry. How great was that burden upon the Protestant conscience, no man could tell. Similar also must be the feelings of the Roman Catholic who saw his money applied without his consent to the support of an ecclesiastical establishment of the Protestant persuasion. But such were the natural effects of imposing such charges upon the Consolidated Fund. His object, therefore, was to ask leave to bring in a Bill to repeal all these charges upon the taxes of the country. In doing so, no doubt, he should detach from the hon. Gentleman (Mr. Spooner) all those voluntaries whose sentiments the hon. Gentleman pretended now to represent. It was very true that the table was covered with petitions against the Maynooth grant; but those petitions were not, for the most part, imbued with any sectarian doctrine. They were from persons who regarded it a violation of the principle of religious liberty to be called upon to pay towards the support of a religious establishment from whose tenets they dissented. He considered the Motion of the hon. Member to have been brought forward for a purpose not openly avowed, although it was sufficiently transparent. It was no doubt intended as a sort of couch to assist hon. Gentlemen in their fall from the great principle on which they had originally stood, down to the uneasy level of modification which they had since found it expedient to seek. But who were they who wished to avoid those consequences which were so much apprehended by the hon. Gentleman? Certainly not Her Majesty's Ministers. They were represented by their Premier—a man of high honour, of great chivalry, and of sterling worth. When the Earl of Derby was Lord Stanley, and in another place assisted in passing, in 1845, the very Act which he (Mr. C. Anstey) now sought to expunge from the Statute-book, that noble Lord opposed a similar Motion for inquiry into the system of education pursued at Maynooth, although it had been proposed as an essential preliminary to the passing of the Bill through the House of Lords. On the 4th of June, 1845, Lord Stanley thus expressed himself—"He anticipated that the Amendment proposed was not intended as a substantial Amendment." Well, so he (Mr. C. Anstey) now thought that the present Motion was not intended as a substantial Amendment, and for the same reason which Lord Stanley gave. For Lord Stanley said—

> "The real question was, would their Lordships accept or reject the measure? He had conceived it was so, because, in the first place, the inquiry would be utterly useless. It would be useless, on this account, if on no other, that in the sense in

which some noble Lords looked upon it, no possible result of that inquiry would alter the votes they were about to give. They might prove that doctrines, more or less hostile, were taught there; that they were doctrines of an antagonistic Church, for he adopted the expression of a right rev. Prelate. They knew them as the doctrines of a Church antagonistic to their own; and the Government avowed and declared that this endowment was granted to Maynooth for the purpose of instructing, in doctrines from which they differed, the priesthood of a population whose creed was not that which they themselves professed. If the inquiry were useless, it would not be merely useless. If they entered upon that inquiry—if, in prosecuting it, they called before them the various officers of the College, and the evidence which noble Lords were prepared to produce for the purpose of proving that this or that objectionable passage was to be found in the text-books used at Maynooth, or that this or that doctrine or principle was there inculcated—the only result of such inquiry would be an incessant, constant, and daily increasing acerbity, and an exaggeration of all the religious rancour and animosities which remained between different portions of the community. But in regard to the question whether it was right or wrong to continue the endowment to Maynooth, in his opinion such an inquiry would be useless. They had the right to be satisfied that the principles of Maynooth were not at variance with the civil rights and duties which were owing to the country, and the allegiance that was owing to the Crown. But was there any noble Lord who would say that he knew and believed that Maynooth did not uphold and maintain the doctrine of allegiance to the Crown? No one asserted so."—[3 *Hansard*, lxxxi. 108.]

Such was the language of Lord Stanley in 1845. And so he (Mr. Anstey) thought it would be most imprudent to set Parliament upon a fruitless inquiry at the very end of its existence, when it would be impossible to bring any such inquiry to a close. So also, and for the same reasons which Lord Derby had stated, he did not now believe the hon. Gentleman to be sincere. Another reason, and it was a strong one, which induced him to advocate the withdrawal of all these grants, was, that so long as they continued, they would have persons like the hon. Member for North Warwickshire for ever stirring up religious strife, and pouring into the contest all the bitterest ingredients of polemical acerbity. He did not propose his Amendment with the view of retaliating on the hon. Gentleman, but to affirm a great principle, which was making much way in this country, and even in Ireland; for there were many Roman Catholics in that country who were as steady friends of the voluntary principle as the Dissenters themselves. He believed that this great principle would yet be recognised, if not during the present Parliament, at least at no distant day. He confined his Motion to grants which were *in consimili casu* with the Maynooth grant, that was to say, to endowments permanently supported out of the public funds and imposed by Act of Parliament. But there were also annual votes which he should oppose whenever they were proposed, because he was anxious to give the widest application to the principle for which he contended. If he succeeded, the relief to the House itself would be great. It would take away the ever recurring occasion for the House to concern itself with these miserable questions of polemics. He would like to see Her Majesty's Ministers taking this wider view of the question—not that which was taken by the hon. Member for North Warwickshire. If they disapproved of the Maynooth endowment, let them withdraw it. But, at the same time, let them withdraw the vote from the Presbyterians of Ireland, called the *Regium Donum;* the grants in aid of bishops and clergy in communion with the Established Church in various parts of the British dominions; the gratifications to chaplains of Ambassadors; and all similar items of expenditure. In short, let them not confine their view to the grant to Maynooth, but embrace every other grant of the same kind. He should test the principles of Government in this matter by pressing the entire Amendment to a vote. It would be for them to accept or reject it. At all events, he should have discharged his duty. The hon. Member concluded by moving the Amendment of which he had given notice.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will resolve itself into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SCHOLEFIELD wished to say a few words, for he felt that he was in a peculiar position, having to differ from a considerable number of those who were his most strenuous supporters in 1847. In voting against the Motion of his hon. Friend, and in favour of the Amendment, he did not intend to affirm his admiration of the college of Maynooth. He was quite as much opposed and had quite as strong a dislike to the endowment of that college as the hon. Member for North Warwickshire (Mr. Spooner). He was as much indisposed as that hon. Member to propagate error at the expense of the State; and he would not be an honest Churchman if he did not make the declaration that they were propagating error by the grant to Maynooth; but he would not lend himself to an invidious attack on a small endowment given to Roman Catholics, while they left unchallenged and untouched the larger revenues of the Irish Protestant Church. He believed that the hon. Member for North Warwickshire was, though involuntarily, putting a delusion upon the people of this country. The hon. Member's Motion was simply for an inquiry; but the country understood it to be for a repeal of the grant; and the House should recollect that, while there had been hundreds of petitions against the grant, there had not been a single petition in favour of inquiry. Every one of the petitions was founded upon the interpretation put on the hon. Gentleman's notice, that he was in favour of the repeal of the grant. Now, he confessed, he was disposed to agree with the hon. Member for Kerry (Mr. H. Herbert) as to there being no necessity whatever for inquiry, for he thought that under the Act of 1845 Government had full visitatorial powers, and he hoped they would use them. The hon. Member for North Warwickshire, whose chief characteristic—though not his best, as those who knew his private virtues well knew—was his inflexible intolerance towards those who differed from him, talking about the injury done to the consciences of the people of this country by taking their money for the purpose of propagating error. He wished his hon. Friend would also bear in mind that a very large portion of the people of Ireland felt just the same pressure upon their consciences as he felt upon his, in having to support the Protestant Church. He could not help saying, that he thought it was with an exceedingly bad grace that a member of the Church of England found fault with such a grant as this; and as extracts had been read that night from various speeches, perhaps the House would allow him to read one from a speech made in 1845, which would illustrate what he meant by the expression—"bad grace"—better than any words that he could employ. Mr. Macaulay eloquently said—

> "When I consider with what magnificence religion and science are surrounded in our Universities—when I call to mind their long streets of palaces, their venerable cloisters, their trim gardens—their chapels, with their organs, and altar-pieces, and stained windows—when I remember their schools, libraries, museums, and galleries of art—when I remember, too, all the solid comforts provided in these places, both for instructors and pupils—the stately dwellings of the principals, the commodious apartments of the fellows and scholars—when I remember that the very sizars and servitors lodge far better than you propose to lodge these priests who are to teach the whole people of Ireland—when I think of the halls, the common-rooms, bowling-greens, even the stabling of Oxford and Cambridge—the display of old plate on the tables, the good cheer of the kitchen, the oceans of excellent ale in the buttery; and when I remember from whom all this splendour and plenty are derived—when I remember the faith of Edward III., of Henry VI., of Margaret of Anjou, and Margaret of Richmond, of William of Wykeham, of Archbishop Chichely, and of Cardinal Wolsey;—when I remember what we have taken from the Roman Catholic religion, King's College, New College, Christchurch, and my own Trinity—and when I look at the miserable 'Dothe-boys Hall' we have given them in return, I ask myself if we, and if the Protestant religion, are not disgraced by the comparison?"—[3 *Hansard*, lxxix. 648.]

Now, it was upon these grounds that he (Mr. Scholefield) should oppose the Motion. He was as anxious as the hon. Gentleman could be to do away with the endowment, but he told him distinctly that he believed the Motion with which he concluded was nothing but a contrivance of political cowardice, seeking to undermine that which he had not the courage manfully to attack.

MR. WALPOLE: I think it right, Sir, on the part of Her Majesty's Government, to state early in this discussion the course we intend to take with regard to the question now before us; and I will endeavour to do so without exciting any of those polemical asperities to which the hon. and learned Member for Youghal (Mr. C. Anstey) has adverted. We must all of us agree that this is a question of no ordinary difficulty and delicacy. Whether we regard it in its political, or whether we regard it in its social and moral bearings, the question necessarily and inevitably touches the tenderest parts in some of the warmest feelings of the people of England—feelings to which recent events have given greater effect, so far as relates to their religion. Under these circumstances, I own I approach this question with the utmost caution and forbearance; but approach it, I think, we must: because, in the first place, it is directly brought before us; and in the second, it has taken such a hold of the public mind of the people of this country that we cannot, and ought not, avoid approaching it if we would. To the question proposed by my hon. Friend the Member for North Warwickshire (Mr. Spooner), the hon. and learned Member for Youghal has proposed an Amendment;—and I wish to dispose of this Amendment before I go to the main question. The Amendment is to the effect that the House will consider in Committee a Bill to repeal the Maynooth Endowment Act, and all other Acts for charging the public revenue in aid of ecclesiastical and religious purposes; and the ground on which he supported his Amendment was that he wished to see established the voluntary system. That, however, is so great a principle, that the hon. and learned Gentleman told the House he will not press it now, but will bring it forward in another Parliament as a substantive Motion. I own that I think that a question of this large nature should be brought forward, not as an Amendment, but as a substantive Motion.

Mr. ANSTEY explained. He did not say that he would not press his Amendment now, but would bring it forward on another occasion. He said he would press it now, and bring it forward again if it was not adopted.

Mr. WALPOLE: With regard to the Motion of my hon. Friend the Member for North Warwickshire (Mr. Spooner), it seems to me to be the simple question whether we are or are not to inquire into the system of the education of the clergy at the College of Maynooth. Now, that depends upon this further question, namely, whether the grant, which was originally made under various Acts of Parliament, and subsequently enlarged and perpetuated by the last Act of Parliament relating to it, has or has not answered the purpose for which it was given? That, I think, is a fair test to apply to the question before we come to the conclusion of my hon. Friend, namely, that inquiry is necessary. Now, there are two ways in which it might not be necessary to go into this question at all. First, I heard it intimated, I think by the hon. and learned Member for Youghal, that the question had been concluded in 1845, and that therefore it could not be opened again. Another way of getting rid of the question is, by showing, as was the argument of the noble Lord (the Marquess of Blandford), the grant to be so vicious in principle that you need not inquire into it at all, but at once bring in a Bill to repeal it. With respect to the first of these, the House will immediately see that, in point of fact, the conditions on which the grant was made, from time to time, were conditions which the Parliament that made them had a right to reconsider. Now, let us trace its history. The grant was first given in 1795. The object of it was, that, as Roman Catholics had no seminaries or colleges of their own by law, they were forced to be educated in foreign countries, where revolutionary principles and republican doctrines were so much in vogue that it was considered inexpedient that subjects of the British Crown should be educated where they could be imbibed; and therefore it was thought expedient by the British Crown and Parliament that they should be educated at home. Now, this was the great reason for making the grant; the object evidently was to provide in Ireland for Roman Catholics a well-educated and domestic priesthood. That grant continued till the Union; and there was allusion made to it in the 7th Article of the Union, which provided that certain funds given to different institutions in Ireland, which were secured to those institutions at the average for six years should be continued for twenty years longer. I consider, therefore, that there was a pledge to continue the grant to Maynooth till 1820; and I think that Parliament could not have altered, modified, or diminished the grant until the period expired for which it was guaranteed by the Treaty of Union. Subsequent to that period the grant was entirely voluntary on the part of the Parliament, and must be considered to be made and continued principally on the ground of expediency, or from motives of benevolence. It so continued up to 1845, when Sir Robert Peel made an essential change in the grant, first, by increasing the amount, and, secondly, by making the grant perpetual. But at the time he did this, Sir Robert Peel stated his grounds for so acting, which, I think, we ought not to lose sight of in considering the question, whether this grant had answered the purpose for which it was given. The first ground was the great necessity—I might say the poverty of the institution—indeed, I think the right hon. Baronet represented it to be so great in 1844 that the professors had barely enough to live upon, and that some of the students were forced to go home at certain parts of the year in order to save the expense, which would have been beyond their means. That having been one of the grounds on which Sir Robert Peel justified and vindicated the grant, I will quote the other ground in his own words—for I think it extremely material in the view of the question I am about to take. The right hon. Baronet said—

> "I defend it—the Maynooth Bill—because I believe it to be a wise and a just measure, and far better than the continuance of the present system. I say that without the least hesitation; and I call on you to recollect that you are responsible for the peace of Ireland. I say you must break up in some way or other that formidable confederacy which exists in that country against the British Government and the British connexion. I do not believe you can break it up by force. You can do much, consistently with the principles you avow, as to the maintenance of the Union and the Protestant Church. You can do much to break it up by acting in a spirit of kindness, forbearance, and generosity."—[3 *Hansard*, lxxix. 1040.]

Now, the reason why I have given this brief history of the Maynooth grant is to call back the attention of the House to the purposes for which it was made; for you must consider how far those purposes have been answered to justify you to continue the grant as it is, and in voting "Ay" or "No" to the inquiry which you are called on to make. These three purposes were, I take it, first, to obtain a well-educated, loyal, and domestic priesthood; secondly, to provide an institution for the instruction of the priesthood, which the Roman Catholics were supposed to be too poor to provide themselves, in order that their priesthood might be bred up in a manner suitable to their holy calling and profession; and the third reason was to break up by generosity that formidable confederacy which Sir Robert Peel alleged to have existed in Ireland against the British Government and the British connexion. These were the objects for which this grant was made and perpetuated. Well, now, I ask you these questions: Has or has not, in any of these three instances, the grant answered the purposes for which it was given? And I think they are questions we are bound to answer for ourselves, before we determine whether this Committee of Inquiry be necessary or not. I ask myself, first, has or has not the grant provided a well-educated, loyal, and domestic priesthood for the people of Ireland? It may have done so up to a certain time; but observe what rumour says, for I am not going to give an opinion of my own on the question. Well, then, I say there is strong reason to believe that many of the priesthood educated in that College of Maynooth are members of different Orders, who are sent out to different countries, and who do not remain a domestic priesthood in Ireland; and, if I am right in that conclusion, I say it is a material ground for you to go on before you decide on this question, whether a grant given to provide a domestic priesthood is to be applied to give a priesthood to other countries, and that you are to spend English money for such a purpose. Another question is, Has or has not the character of the priesthood changed of late years? If you take what has happened recently, I suspect the answer would be, that instead of domestic influence, another influence has prevailed, and that you will find the priesthood of Ireland, instead of confining themselves, as they ought, to the purposes of maintaining and teaching their own religion, and their religious duties, have in effect assumed an aggressive character, which does constitute what Sir Robert Peel called a confederacy—I don't say a formidable one; but still a confederacy—against, I think, the British Crown and the British connexion. I allude more particularly to what has taken place since Dr. Cullen came into Ireland, and was raised to the primacy of the Roman Catholic Church in Ireland. The character of the priesthood of Ireland is materially changed by that event. When the Roman Catholics desired emancipation in 1814, I could produce proofs to you that they laid down propositions by which they wished this country to understand that the domestic priesthood of Ireland were not to be superseded by foreign bishops; and I could quote you passages from writers of the strongest authority against exposing them to Propaganda influence. But since you have had Dr. Cullen over here, you have had an influence exercised, which, as recent events, even those of the last year, distinctly show, has changed the character of the education of the priesthood, so that it has not been of that domestic character the promoters of the grant intended it to be. If this be so, I do not say that this is a justification for you to withdraw the grant without inquiry; but I say it is a justification for making the inquiry, in order, that if the facts be not as I have stated, the matter may be set right in your favour: and if they be as I conjecture, that means should be taken to provide against the application of the public money of this country to any other purpose than that for which it was intended—that of providing for a loyal and domestic priesthood. As to the second reason for the grant, the poverty under which the clergy were labouring, so far as it was a ground for extending it, I shall be glad to know how far it is true. The House will remember, that at the time the Maynooth Act was brought in, it was accompanied by an Act introduced by the right hon. Gentleman the Member for Ripon (Sir James Graham), for the establishment of the Queen's Colleges in Ireland. Those two Acts must be taken together. They are parts of one measure—they were simultaneously introduced—they were intended for one object, and they were proposed with one view, that object and that view being a national and a domestic one. It was to heal up political and religious differences, to bring the Roman Catholics and the Protestants together in one common field of education, where asperities might be rubbed off, where conciliation might be effected, where friendship and good feeling might spring up, and where all those unhappy differences which have so pervaded that afflicted and unhappy country might possibly be brought to a close. Well, but how has that succeeded? Since Dr. Cullen's appointment you have had what is called the Synod of Thurles; you have had decrees issued by that synod, and those decrees have been confirmed by the Court of Rome; and in those decrees no Roman Catholic bishop is allowed to hold any place in any of those colleges; no ecclesiastic is allowed to be a professor or even a visitor; and the laity themselves are recommended, at least, though not actually enjoined, to abstain from sending their children to those institutions. ["Hear, hear!"] Hon. Members cheer, but what is the inference which the House and the country will draw? Why, the inference is this—that the object which my right hon. Friend had in view in introducing these Bills, and the object which the Legislature had in passing them—this beneficial and conciliatory object has been defeated and destroyed by those who are acting under foreign domination. But that is not all. Since that happened, you (the Roman Catholic Members) have established Colleges, or endeavoured to establish colleges of your own—I do not in itself deprecate that attempt; but it is for the purpose, be it remembered, of separating the Roman Catholics from the Protestants, it was in order to have them educated in a distinct manner, to keep the Catholics under foreign guidance, and to maintain Ultramontane influence. I state that distinctly; but if, as you say, that has not been the case—if it has not had the effect of introducing a foreign interference to a great extent in Ireland—well, then, the inquiry will turn out in your favour; but if it be so—if it has had that effect—then the inquiry is one which the Government will have done right to institute. Now, the last point to which I adverted is most material. Sir Robert Peel said, in his emphatic language, that he sent this grant into Ireland as a messenger of peace—that he sent it, as the hon. Member for North Warwickshire reminded us, in a liberal and confiding spirit—that he intended it to still very great religious differences, and to break up this formidable confederacy to which I referred. I ask any man who hears me now, whether the grant has had that effect? I ask whether the system of education so established has had that tendency? Some of the most ardent promoters of the grant have felt to the greatest degree that disappointment which has been expressed to-night at the failure of the results which they intended to flow from it. They feel that disappointment all the more bitterly because there are no means of bringing about those beneficial results which I firmly believe it was the object of Sir Robert Peel's Government to bring about when he induced the Legislature to pass those two Acts. There is one answer by anticipation to the observations I have made, to which I must advert for a moment, and that is the answer of the hon. Gentleman the Member for Kerry (Mr. H. Herbert). He has placed an Amendment upon the notice-paper by way of reminding the House that visitors were appointed to inquire into the management, discipline, and government of the college, and therefore that no inquiry by a Parliamentary Committee can be needed. Has, however, the hon. Gentleman referred to the reports made, year after year, by those visitors? and, if so, does he find that the inquiries made by them will answer the object of my hon. Friend the Member for North Warwickshire? On looking at their report I find that it goes into none of the facts with reference to which the people of this country demand inquiry; but the inquiry is simply this: First of all, as to complaints made by the President; then, as to complaints made by the superiors or professors; then into complaints made by the students; then into the oath of allegiance taken by the students; then as to any change in the number and duties of professors; next, any change as to the college discipline; then any improvement accomplished within the walls; and then the visitors say, "We have made the necessary inquiries," and so on. All the inquiries they consider necessary, the House will perceive, are inquiries which have nothing to do with the subject now immediately under our notice by the hon. Member for North Warwickshire: these inquiries do not at all meet his case. I will now endeavour to state to the House the reasons which induce me to think that some inquiry ought to be granted. I think that the inquiry ought to be granted on the three grounds to which I have referred; for, seeing as I do (or at least as I think I do), that the conditions upon which this grant was made have not been adequately or completely fulfilled—seeing that the reasons for which it was made are no longer existing to the same extent as they were when it was made—since we hear there are funds forthcoming to endow other colleges, which are opposed to the system you intended to establish—and seeing that the objects which Sir Robert Peel had in view, those peaceful, loyal, domestic objects, have not been accomplished, as Parliament hoped they would be—I think that the country has a right to ask, and that Parliament is bound to concede, some inquiry into this subject. ["Hear, hear!"] Unless I had been anticipated by the cheers of hon. Gentlemen opposite, who seemed to think that I was shrinking from the avowal of my own opinions, I should have abstained from the expression of any opinion. I wished my own opinions to abide the result of that inquiry; until then I did not wish, and I do not wish, to prejudge the question. I repeat, that I do not wish to prejudge the question. The result of that inquiry may be to effect a complete alteration in the grant, or to make various changes as to which it can be easily seen whether they are those which amount to a withdrawal or an abolition of the grant. From these results, I say on my own part, and on the part of the Government, we do not wish to be precluded; but we wish there should be such an inquiry as that the whole of this question may be investigated, so that the House may be in a position, on some future day, when the facts are known and ascertained, to carry out the intentions of the Legislature, and to contribute as far as may be to the peace and prosperity of the United Kingdom.

MR. BERNAL OSBORNE said, that, representing an English constituency, he should probably be consulting his own ease, and probably his own interest, on the eve of a general election, if he had been content to avoid the question which had been brought forward that evening by the hon. Member for North Warwickshire (Mr. Spooner). But as he looked upon this Motion as a mean attempt to raise a "No-Popery" cry, with which hon. Gentlemen opposite might go to the hustings, as he considered the Motion a means by which certain parties might make use of fanaticism for retaining their seats in that House, he, for one, would not for an instant shrink from expressing his opinion on the question, nor would he pander to what he conssidered a base fanaticism, even should he lose the confidence of his constituents. Now, the hon. Member for North Warwickshire commenced his speech, as he always did in similar cases, with assurances of the greatest good-will towards his Roman Catholic fellow-subjects; but in the next breath he told them that they professed a creed which was subversive of allegiance and injurious to morality. He did not intend to follow the hon. Gentleman through the various quotations which he had made from works of casuists and from certain text-books of Rome; but he objected to this Motion of the hon. Member, because, when he remembered the course which he had always pursued on this question, the language of unmeasured vituperation which he had always employed in that House with regard to his Roman Catholic fellow-countrymen, he thought the Motion was a foregone conclusion. When the hon. Gentleman called upon the House to inquire into the system of education at Maynooth, it was not for the purpose of inquiry that he proposed it, but for the purpose of destroying the Roman Catholic system of religion in Ireland. *Delenda est Roma* had always been the consistent cry of the hon. Gentleman. [MR. SPOONER: Hear, hear!] The hon. Member cheered that assertion, and yet he loved his Roman Catholic fellow-subjects. Why, he had but repeated that night what he rehearsed in 1845. Word for word had the hon. Gentleman done that; even in the quotations he had made he had introduced no new authority—from Thomas Aquinas down to Lord John Russell. He (Mr. Spooner) had read to them a portion of his speech made in 1845, when there was a great Minister in power to resist him. Now, he had got his old friends on the Treasury benches, and might possibly carry his Motion. If he (Mr. B. Osborne) could be surprised at any course taken by Her Majesty's Ministers, the speech which had just been made by the right hon. Gentleman the Secretary of State for the Home Department would certainly increase the degree of that surprise. Under all that smiling and conciliatory demeanour, the right hon. Gentleman concealed the greatest bigotry. The hon. Member for North Warwickshire had quoted several extracts from speeches made by the late Sir Robert Peel, in reference to this inquiry; and if he (Mr. B. Osborne) remembered rightly on the occasion, in 1845, when the hon. Gentleman brought forward the same Amendment on which he had spoken that night, what was the answer of Sir Robert Peel? Why, that Minister expressly set his face against any inquiry, because he thought the powers given to the Visitors, together with the powers lodged in the hands of the Lord Lieutenant of Ireland quite sufficient, and because he considered that an inquiry would only increase the animosity between Roman Catholics and Protestants, not only in Ireland, but in this country. He (Mr. B. Osborne) came now to the course pursued by the then supporters of Sir Robert Peel, and who were now Members of the present Government, with regard to the foundation of Maynooth. If he should prove a little tedious, after the numerous quotations which the House had listened to from Dens, Thomas Aquinas, and other learned writers, he hoped that the quotations which he wished to read, not from such learned churchmen, but from as great statesmen, would be received with indulgence by the House. His hon. and learned Friend the Member for Youghal (Mr. C. Anstey) had told the House the opinion of Lord Stanley in 1845, when that noble Lord stated the Amendment moved in another place by the Earl of Roden was not a substantial Amendment, but was meant only to destroy the system. Was Lord Stanley the only one of the present Ministers who then took that view? He held in his hand the speech of a Gentleman, a Member of the present Ministry, who was not then a Baronet, but who was supposed to owe to that speech the right of bearing the arms of Ulster on his coat. It was the speech of Mr. (now Sir John) Pakington, the right hon. the Secretary for the Colonies. Mr. Pakington says—

> "He did not think it inconsistent with his duty, as a Churchman, to give the endowment of Maynooth his support—not a cold or hesitating support—not a reluctant support exacted by the strength of party ties, but a cordial and willing support, founded upon deep conviction, first, that they must not venture to leave Maynooth on its present footing; secondly, that this measure was called for as a step in that wise and conciliatory policy towards Ireland which every Government should attempt to carry out."—[3 *Hansard*, lxxix. 719.]

He regretted that he had not seen the right hon. Gentleman the Secretary of State for the Colonies in his place; perhaps the opinions of the right hon. Gentleman on theological matters might be found to have undergone as great a change as they recently discovered in his opinions on secular matters. As Secretary for the Colonies, the right hon. Gentleman was now able to carry out the wise and conciliatory policy which he had recommended in 1845. What was the House then to understand from the speech made by the right hon. Gentleman's Colleague, the Secretary of State for the Home Department, when he declared that the character of the Irish priesthood had changed, and accused them of showing a want of allegiance to the Sovereign? Was, however, the right hon. Gentleman (Sir John Pakington) the only Member of the present Government who spoke on this subject on a former occasion? The House had listened to long extracts from the learned writers of a past age, perhaps they would permit him to read rather a long extract from a speech made by a gentleman who was supposed to represent the chivalry of the Ministry in that House, he meant the noble Lord the First Commissioner of Woods and Forests, (Lord John Manners), who was not at that time a Minister, and whose opinion was therefore pronounced at a time when—

> "Free as nature first made man,
> And wild in Woods the noble savage ran."

This was a speech to which he begged to call the attention of the House, particularly of the electors of Colchester, that they might learn the opinions of their noble representative. In 1845 the noble Lord said—

> "The cry is raised, 'The Church is in danger.' Yes, Sir, I admit that it is; but it is not from this grant to Maynooth, nor yet from the Vatican, nor yet from the Jesuits, that the Irish Church is in peril. It is from herself; from her own self-willed and disobedient laity that she is danger; they who would have her isolate herself from the rest of Catholic Christendom, fraternise with the Puritan, and denounce priestcraft with the Presbyterian! I admit that the Irish Church is in danger, but am irresistibly reminded of the dying words of the martyred Laud on the scaffold,

They may who list trace all the glory, renown, and magnificence of the old English monarchy to the Dutch conquest of 1688, which subverted it, and see in the Penal Code and Protestant Ascendancy the safeguards of the Empire; but, for myself, I claim a liberty to mount higher, and to act in 1845 as though William III. had died Stadtholder of Holland."—[3 *Hansard*, lxxix. 826.]

How was the noble Lord going to act in 1852? Was he really going to act as if William III. had died Stadtholder of Holland? Then the noble Lord, after quoting some very pretty poetry—

> "The priests, those gentle priests and good, their fathers loved to hear,
> Sole type below, midst work and woe, of the God whom they revere,"

proceeds to say—

"Acknowledge frankly, and at once, that power which you admit to be so great, and which hitherto, with a childish and fatal obstinacy, you have pretended to ignore. Accredit a Minister to the Vatican; receive a Nuncio at St. James's. . . . . . With every feeling of confidence that as a Churchman I am not acting disloyally towards the Church in sactioning this measure, and, as a statesman, that I am promoting the best interests of my country, I give my vote for this Bill of permanent endowment to the college of Maynooth."—[3 *Hansard*, lxxix. 830.]

Those were the opinions of two Members of the present Cabinet, two steady and consistent supporters of the permanent endowment of Maynooth. But there was another Member of the Cabinet who had consistently opposed that Motion. It was the right hon. Gentleman the Chancellor of the Exchequer, the man who carried the brains of the Cabinet. In justice to the question, he (Mr. Osborne) would read to the House what that right hon. Gentleman then said, and perhaps after the voluminous polemics in which the rev. Gentleman—he begged pardon, he meant hon. Gentleman—the Member for North Warwickshire had indulged, perhaps the House would receive one or two extracts with pleasure. It was the speech of the right hon. the Chancellor of the Exchequer, delivered in 1845, opposing, not Maynooth, but quarrelling with Sir Robert Peel, upon which he (Mr. Osborne) based his opposition to this Motion. On April 11, 1845, the right hon. Gentleman, for the first time falling out with the late Sir Robert Peel, then said that he opposed the permanent endowment of Maynooth, but not on the grounds taken by the hon. Member for North Warwickshire. What those grounds were on the present occasion, the right hon. Gentleman could not have heard, for he (the Chancellor of the Exchequer) was asleep during the whole of the speech of the hon. Gentleman, not a Treasury sleep, but a *bonâ fide*, natural and—if the right hon. Gentleman ever slept—a sincere sleep. The right hon. Gentleman then said that he opposed the Bill on account of the men who had brought it forward. He opposed it on account of its having been brought forward by Sir Robert Peel, whom he (Mr. Osborne) doubted not the right hon. Gentleman now sincerely regretted. He said—

"I oppose this Bill on account of the manner in which it has been introduced; and I oppose it also on account of the men by whom it is brought forward. . . . Are we to be told, that because those men who took the course to which I have referred, have crossed the floor of the House, and have abandoned with their former seats their former professions—are we to be told these men's measures and actions are to remain uncriticised and unopposed, because they tell us to look to the merits of their measures, and to forget themselves and their former protestations? Let us endeavour to put an end to the misconception and subterfuge which now surround us. You have permitted men to gain power, and enter place, and then carry measures exactly the reverse to those which they professed in Opposition; and you are reconciled to this procedure by being persuaded that by carrying measures which you disapprove of, and they pretend to disrelish, they are making what they call the 'best bargain' for you. I say the Parliamentary course is for this House to have the advantage of a Government formed on distinct principles. Here is a Minister who habitually brings forward as his own measures those very schemes and proposals to which, when in Opposition, he always avowed himself a bitter and determined opponent. . . . Let me ask the admirers of this 'best bargain' system how they think the right hon. Gentleman would have acted, had they been introduced by the noble Lord opposite? Let us tell persons in high places that cunning is not caution, and that habitual perfidy is not high policy of State."—[3 *Hansard*, lxxix. 561, 563.]

In all his reading he had never met anything so graphic and forcible as the right hon. Gentleman's picture of the state of Ireland on that occasion, and upon it he (Mr. Osborne) entirely grounded his opposition to the present Motion. This is the description:—

"The present condition of Ireland was to be traced, not to Protestantism but to Puritanism. Let them consider Ireland as they would any other country similarly situated, in their closets, then they would see a teeming population, which, with reference to the cultivated soil, was denser to the square mile than China. . . . That dense population, in extreme distress, inhabited an island where there was an Established Church, which was not their church; and a territorial aristocracy, the richest of whom lived in distant capitals. Thus, they had a starving population, an absentee aristocracy, and an alien Church, and the weakest

Executive in the world. That was the Irish question. . . . The moment they had a strong Executive, a just Administration, and ecclesiastical equality, they would have order in Ireland."

[*Mr. Walpole, at this instant, rose to leave the House, after consulting with the Chancellor of the Exchequer.*] He saw the right hon. Gentleman (Mr. Walpole) was going out for *Hansard;* if he would wait one instant, he (Mr. B. Osborne) would give him the date. It was April 11, 1845. So long as there was ecclesiastical inequality in Ireland, so long would he (Mr. B. Osborne) refuse to be a party to any one-sided blow against his Roman Catholic fellow-countrymen. He did not look upon this question as one of common endowment alone. He regarded it in the light of restitution. Those words were used by a noble Lord now in another place, by the then Lord Sandon, now the Earl of Harrowby, and also by the noble Lord the present Member for the city of London. He (Mr. B. Osborne) hoped the latter noble Lord would look upon it as a restitution now, and that he would not consent to be a party to this direct insult to the feelings of the Roman Catholics of Ireland. He hoped that the noble Lord would not unite with that body of men who, though they might be well-intentioned, were united with schemers for the next elections; but that he would avoid such a union with fanatics and schemers, and resist the Motion of the hon. Member for North Warwickshire. He (Mr. B. Osborne) could not understand hon. Gentlemen who talked of love for their Roman Catholic fellow-countrymen, and held such terms as those used by the right hon. Gentleman the Secretary of State for the Home Department—Oh, he saw the book had arrived—if the right hon. Gentleman would send it over to him, he would point out the place. If a particular agreement had been entered into with the Roman Catholics of Ireland at the time of the Union, they were bound to put the Roman Catholics in the same position with reference to their priests as the Protestants; and if that did not suit the Parliamentary consciences of the hon. Member (Mr. Spooner), and of the right hon. Gentleman (Mr. Walpole), why, the Union ought to be dissolved. They were bound to recognise the claims of their Roman Catholic fellow-countrymen, and to give them a fair share of the resources of the country. While paying large sums to the Protestant Establishment and to the Protestant Dissenters in Ireland, they gave the Roman Catholics the paltry miserable pittance of 26,000*l.* in the shape of the permanent endowment of Maynooth. He (Mr. Osborne) considered it was an insult to the feelings of the Roman Catholic population. But the hon. Gentleman (Mr. Spooner), with that peculiar pulpit grumbling kind of oratory, said that he objected to the propagation of error. He (Mr. Osborne) did not know to what other species of propagation the hon. Member objected. The hon. Member had quoted from various learned authorities, and among them from Thomas Aquinas, who had written upwards of 140 volumes, and from Paley, whose name was pronounced so indistinctly, that they on the Opposition side had fancied the hon. Member was quoting from something said or written by Mr. Henry Baillie, a respected Member of that House. One simple answer had been given to all these polemical discussions by Burke, who had said that whenever topics of religion came to be discussed in the State, the only view which ought to be taken of them was the political, and not the theological one. The House of Commons ought not to allow its time to be taken up with such a question as this, nor to permit the hon. Member for North Warwickshire to make it a rostrum from which to address his constituents. The noble Lord the seconder of the Motion (the Marquess of Blandford), agreed with the mover in objecting to the propagation of error. He (Mr. Osborne) would ask that noble Lord how he accounted for the propagation of error in our colonial dependencies? How did he account for the Roman Catholic endowments in Malta, in the Mauritius, in Gibraltar, and in Canada, all of which were granted by direct votes of that House? From India to Newfoundland the House had voted Roman Catholic endowments. He held in his hand a list of chaplains, whose appointments were salaried out of funds granted by that House. In Ireland more than 280 Roman Catholic chaplains were appointed to workhouses and gaols, and paid by the direct Vote of that House. The House had done more; for if he remembered rightly, in 1838, the Government of the day founded Hindoo and Mahometan Colleges in India, and endowed them with lecturers and professors of divinity. He wondered whether the hon. Member and his supporters were as well acquainted with the rites of Hindoo divinity as he was with those of the Roman Catholics. What ought the House to think of that odour of sanctity which strained at the Roman Catholic gnat, and swallowed the Brahmin camel? How could they object to the doctrines taught at Maynooth, while they encouraged the indecent doctrines taught at Benares? Were they to suppose that the hon. Member and the right hon. Gentleman (Mr. Walpole), who was the only Member of the Cabinet who did not go to sleep during the hon. Gentleman's speech, had a greater respect for the Hindoo religion, than for the Roman Catholic faith? What was the reason that they despised the Roman Catholics in this country, and respected the Hindoos in the Colonies? Because they were well aware that if they attempted to treat India or our other colonial dependencies as they had treated Ireland, this great empire would topple to destruction. The right hon. Gentleman (Mr. Walpole) had said that the character of the Irish priests had changed, and he left the House to believe that they were the instigators of rebellion. Had the right hon. Gentleman taken the pains to examine the statistics of the Roman Catholic College of Maynooth? Was he aware that Dr. Cullen was not educated at Maynooth? Was the right hon. Gentleman aware that during the late unfortunate disturbances, there was but one priest brought up in Maynooth who had taken part with the party of Young Ireland, and that was Father Kenyon? Was he aware that most of the priests who sympathised with Mr. Smith O'Brien and his friends were not brought up at Maynooth? And yet the right hon. Gentleman said, on the eve of a general election, that Maynooth ought to be inquired into, because the priests were disloyal. When the right hon. Gentleman talked of the priests having assisted Mr. Smith O'Brien, was he aware that Trinity College furnished a great many more sympathisers than Maynooth? And yet they did not want an inquiry into Trinity College, although that College was confiscated from the Roman Catholics. Was the right hon. Gentleman aware that it was a Fellow of Trinity College who wrote the revolutionary song, "Who fears to speak of ninety-eight?" Why, the right hon. Gentleman must be totally unacquainted with the duties and business of his office if he was not aware that Dr. Cullen was not a pupil of Maynooth. If the right hon. Gentleman was consistent, let him inquire into Trinity College. Let not one-sided inquiries be made, for the sole purpose of insulting the feelings of the Irish Roman Catholic population. But a grave objection had been made by the Member for North Warwickshire, and by the right hon. Gentleman (Mr. Walpole), both of whom declared that it was wrong to give away the money of the country for the purposes of endowing error; and they had talked of the various grants given to the Roman Catholics being made from Protestant funds. He (Mr. B. Osborne) denied that it was Protestant money. He denied altogether that the money given to Maynooth was the money of this country, or Protestant money. He held in his hand an account of the public revenue of Ireland for the year ending 5th January, 1851. In that year the Customs receipts were 1,827,823*l.*; the Excise, 1,312,000*l.*; the stamps, 462,600*l.*, with other items, which made a total of 3,607,000*l.* The Roman Catholic population contributed a larger proportion to that taxation than any other class in the country. The entire public revenue of Ireland, combining taxes, Church estates, and tithe-rent charge, amounted to upwards of 5,000,000*l.*, of which nearly 1,000,000*l.* was given to the Established Church, 38,000*l.* to the Protestant Dissenters, and 26,000*l.* to the Roman Catholics; and yet they had the barefacedness, the presumption of dilating on the extraordinary munificence of this palty pittance of 26,000*l.*, to declare that it was paid out of Protestant funds. He (Mr. B. Osborne) said that it was Roman Catholic money, and that they had a right to it; and he warned the hon. Member (Mr. Spooner), who professed such a great love for the Established Church in Ireland, that if there was one subject which more than any other was fraught with danger to that Establishment, it was the topic which the hyn. Gentleman and his supporter (Mr. Walpole) had raised. They talked of the immense sums of money received by the Roman Catholic College of Maynooth since 1845. Let the House see the treatment the Roman Catholic Colleges had received at the hands of the House. Since 1845 the Established Church had received no less than 5,209,000*l.*; the Protestant Dissenters had received 1,019,000*l.*, and the Roman Catholic Colleges—let them hear and blush—had received a beggarly 365,670*l.* That was the sum which the hon. Member had talked of so largely. He remembered a speech of Mr. Grattan, delivered in 1797, upon temporalities, which was so appropriate that he would read a passage to the House. Mr. Grattan said—

> "Give us all the good things on earth, in the name of God, and give nothing to the rest of our

fellow-subjects. Thus this pure and pious passion for Church and State turns out to be a sort of political gluttony, an immoderate appetite for temporal gratifications, in considerction of spiritual perfection; and in consequence of this vile, mean, and selfish monopoly your State becomes an oligarchy."

Whatever might be his (Mr. B. Osborne's) own views with regard to the Amendment moved by the hon. and learned Member for Youghal (Mr. C. Anstey), as to the abstract justice of the endowment of any religion at all; he, for one, would never be a party to beginning with his Roman Catholic fellow-subjects, who received so small and niggardly an amount. Let there be an immediate inquiry into the endowments of the Established Church and into the endowments of the Dissenters in Ireland. He would be no party to anything to increase Protestant ascendancy in Ireland, nor to any measure of a partisan nature, which was brought forward by the Government for the purpose of going to the hustings with a Protestant cry. The Government, it was clear, had no distinct principles to go on. They had pressed that respectable Gentleman the Member for North Warwickshire to act upon the doctrine of compromise, which had been broached the other night in the Mansion House, and which was now to be practised in St. Stephens's. He (Mr. B. Osborne) would be no party to a compromise of rights which were founded in high truth and justice. He thought it was hardly consistent, at a time when it was acknowledged that the country was in a weak state of defence—when they were about to add to the national defences a militia force of 80,000 men—to deprive the country of that great source of national strength, the confidence and good will of the people of Ireland. The right hon. Gentleman (Mr. Walpole) was forsaking his position as a Minister of Great Britain, and was making himself the Minister of a mere party. He was realising the prophecy uttered by that great man Mr. Sheil, who, in the year 1845, said that "if ever this country should fall so low that Parliament should be guided by a Minister who should yield to considerations of religious bigotry; when the Parliament should become a tabernacle, and the Cabinet the appurtenance of the conventicle, and the receptacle of the doctrines of the tub, the people of Ireland would, at every hazard, demand the repeal of the Union, not upon futile grounds, but because the Government, abdicating their position as Ministers, wished to splinter up the empire by becoming panders to the religious prejudices of the country."—[See 3 *Hansard*, lxxix. 979.]

The CHANCELLOR OF THE EXCHEQUER: I beg the indulgence of the House for a moment, while I speak to a point respecting a representation made by the hon. Gentleman who has just sat down; as it is a point of importance to myself personally, I beg the attention of the House. The hon. Gentleman quoted several passages from a speech of mine, which he said was delivered in 1845; and added, that in consequence of what he found in that speech, he founded his opposition to this Motion. There could be no mistake as to the particular speech referred to, because he very courteously gave the date of it, the 11th of April, 1845, to my right hon. Friend (Mr. Walpole); nor could there be any mistake as to the particular speech intended, because he said the speech impugned the intentions of the then Ministry. The hon. Gentleman quoted what he called a graphic description of the state of Ireland, and to which the House listened with attention. The hon. Gentleman is entirely mistaken—I thought so at the time he was speaking—for, on reference to it by myself, by the right hon. Secretary of State for the Home Department, and by the Attorney General, we find it contains nothing whatever of the graphic description of the position of the people of Ireland to which the hon. Gentleman alluded. There is not one syllable of the kind in the speech.

MR. BERNAL OSBORNE: I refer most distinctly to page 561 of *Hansard*, where what I quoted will be found. The right hon. Gentleman is getting off in his usual quibbling— ["Order, order!"] I beg the right hon. Gentleman's pardon; I should say in his usual ingenious way. The speech from which I quoted was made by the right hon. Gentleman on the 16th of February, 1844, and will be found at page 1016 [3 *Hansard*, lxxii.]. The right hon. Gentleman used the distinct words which I quoted, and cannot now eat his own words. I make him a present of the difference in the dates.

The CHANCELLOR OF THE EXCHEQUER: The hon. Gentleman professed to quote from a speech of mine, delivered on the 11th of April, 1845, on the subject of Maynooth. I said there was no passage of the kind to be found in the speech of April 11th; and now the hon. Gentleman says the quotation is to be found in a speech delivered on the 16th of February, 1844. But what has that speech to do with the argument I used on the subject of Maynooth, in 1845, when the hon. Gentleman alleged I used a statement on which he grounded his opposition to the present Motion? That statement was not made on the subject of Maynooth.

Mr. BERESFORD HOPE: Sir, I cannot hear this question discussed to-night without rising to offer my protest, weak and feeble as that protest may be, against the hybrid Motion of the hon. Gentleman the Member for North Warwickshire (Mr. Spooner)—a Motion pretending inquiry, but breathing persecution; and when persecution is alleged against it, taking shelter under inquiry—a Motion which turns this House into judge, jury, and public prosecutor, and calls for inquiry into a system of education for a religious priesthood, the only reason for that inquiry being that this system of education is founded upon a series of books that existed for centuries before the hon. Member, the inquisitor who has brought forward this Motion, had the honour of a seat in this House, and which no more constitute a reason for inquiry into the education taught at Maynooth in 1852, than they did in 1792 or 1798, or at any other period since the college was first instituted. And yet here we have been for two mortal hours listening to quotations delivered from that red box which is now a green box, that have been three times, ten times, nay fifty times, re-echoed from folios to blue books, from blue books to pamphlets, from pamphlets to speeches, and from speeches back to pamphlets again. And *cui bono?* What is the advantage of all this? What benefit are we to gain? Looking at the matter calmly and dispassionately, I can see no benefit or advantage to be gained, unless this be counted one—that we drive to desperation 6,000,000 or 7,000,000 of the integral population of the British Isles, who already feel aggrieved and hurt by the legislation of last Session. Surely, Sir, one would have thought that last Session was enough for spite; this might have been given for legislation. But it would almost appear that spite is now to be the prevailing character of our legislation with regard to Ireland. And what is the argument? I confess I heard with deep regret—from the great respect and esteem I entertain for him—I heard with deep regret the arguments used by my right hon. Friend the Secretary of State for the Home Department (Mr. Walpole), who has come forward as the advocate of this Motion. He told us that a loyal priesthood had not been reared at Maynooth. Why, Sir, in the first place, Maynooth under the new system has only been six years established, and the students who entered under that system in the first year can scarcely yet have passed through the *curriculum* of study. How a system can be tested by its effects, which system has been only six years in operation, I own altogether passes my comprehension. The argument is this—Old Maynooth did not educate loyal priests—New Maynooth has not had the time in which it was physically possible to educate priests of any character—for, as I said, the students who entered the first year can yet have barely passed their *curriculum*—therefore let the system be tried by an impossible test. Really, in listening to the speech of the hon. Member for North Warwickshire, one was tempted to think that he saw a vision of the whole Roman Catholic hierarchy—archbishops, bishops, and priests, all—lurking behind the cabbages in the Widow Cormack's garden. Nothing else has been shown to justify the virulent expressions that have been used against the Roman Catholics. But, Sir, what miserable, what petty arguments are these to justify an interference with the education of the clergymen of so many millions of our fellow-subjects—arguments dictated by party declamation, party misrepresentation, party feeling, and used against a portion of our countrymen whose unhappy condition requires, and has long required, the most calm, the most gentle, the most patient, long-suffering, and forbearing treatment. It was only a few days ago that this House heard, and heard with proud and justifiable pleasure, the right hon. Secretary of State for the Colonies (Sir J. Pakington) lay down a sensible and statesmanlike scheme, announcing that the distinction between the Maori and the Englishman, the New Zealander and the European, should be no longer a badge of difference. So here we are one day bridging over with a large-hearted toleration the cincture of half the world, and the next meeting to aggravate sectarian differences, to propagate evil feelings, and to make St. George's Channel an Atlantic Ocean. Surely six centuries of the difficulties of the Irish question might have been a warning to us that the seventh century requires a different treatment. A different treatment was tried in the year 1845. The evil was great, the remedy was patent; and because that remedy has not yet proved efficient, which physically it is impossible it should yet have had time to be, therefore we, like spoiled children, or rather like spoiled patients, throw away our physic because it has not accomplished an instantaneous remedy. With the experiment of 1845 I ought to say I do not altogether hold. There was one portion of it which I then resisted, and which I still resist, on account of the unfortunate foundation on which it was based. I sympathise with my hon. Friend the Member for the University of Oxford (Sir R. H. Inglis) as to the unfortunate foundation on which the colleges of Belfast, Cork, and Galway were placed when the hon. Baronet and the late Mr. O'Connell united in resisting their establishment. These colleges have not succeeded, and I cannot say I regret they have not succeeded. But this College of Maynooth, which, as far as physical improvement has gone, has certainly benefited, as far as we can tell—or rather, as far we cannot tell, for I return to my first assertion that in six or seven years it is physically impossible to test its efficiency—this college is to be sacrificed to a mere hustings cry, which the Roman Catholics may confound with the English national feeling; it is to be sacrificed to the Durham letter—that miserable and desperate attempt to prop up the fortunes of a tottering Minister of unparalleled pettiness in the last days of his power. The hon. Member for North Warwickshire, and those who think with him, from some motives of their own, inscrutable to other men, have got up a cry which has led to this miserable result, that Ireland, barely putting in a claim for pacification and good government, has had legislation postponed for a whole Session; while now, for the gratification of national prejudices and national feelings, the subject of Maynooth is put forward, no longer as matter for legislation, but for aggravated insult and mistaken injustice. An inquiry is now moved for; yet sixty years ago, when the College of Maynooth was founded, the programme of the education of the Roman Catholic clergy was the same, and their faith and principles were then what they are now. And what, then, is the justification for this proposed investigation? What proof have we of the disloyalty of those who have received their education at the institution which has been so much assailed? Most abortive and contemptible were the efforts which characterised the last attempt at an insurrection in Ireland; but would the rebellion have been what it was if the Roman Catholic clergy had abetted it—had their seminary been that nest of Mazzinis, Ledru-Rollins, and Kossuths, which it is attempted to represent it? I do not call on the hon. Member for North Warwickshire to applaud Maynooth—I do not applaud it myself. I am not a Roman Catholic; I am a member of the Church of England, devoted to her; but being a member of the Church of England, I am also an English citizen: and when I recollect that millions of Roman Catholics contribute to our taxation, I regret to see hon. Gentlemen grudge a small tithe and toll out of it for the education of the Roman Catholic clergy. I do not ask the hon. Member for North Warwickshire to reform the College of Maynooth, or to prescribe a course of lectures, or even to give a single lecture himself; but I do call on my hon. Friend the Member for the University of Oxford—I wish I could call him my right hon. Friend for he has well earned the title by his integrity of conduct and singleness of heart —and I will ask him what foundation will be secure if the settlement of the grant to Maynooth is to be disturbed? Maynooth is an institution of the country; so is Oxford; institutions which have been solemnly guaranteed by the country, and whose stability ought not to be affected by the mere breath of vulgar rumour. What sanctity, what prescriptive right, has any institution —what school or college in England or Ireland can bring forward any of those prescriptive claims on which they now rely, if such a vague, crude, ill-founded cry as that which has been raised against Maynooth can justify such an inquiry as this—built as it is upon prejudices which have been reared up all on one side? An inquiry conducted in this spirit can only lead to one conclusion—a conclusion which I must do the hon. Member for North Warwickshire the justice to say he did not state openly, but which, in the short, pointed sentences of the noble Lord the Member for Woodstock (the Marquess of Blandford), came out clear and unmistakeable. I must apologise to the House for detaining it so long, but I could not help protesting against this Motion as an instrument of class legislation, as a surrender to prejudice for the sake of popularity, which we feel must keep open for centuries longer the wounds which have remained open for centuries past, and which will even open fresh wounds, and aggravate fresh quarrels. It will sow the seeds of enmity among the inhabitants of these fair lands; and this at the time when that which ought to be a happy kingdom, and to embrace not Britain and Ireland, but the British nation, and, as a part of it, that island foremost towards America of the old world, is so far divided against itself that a large portion of your population is flying from your class legislation to another continent, whose suppliers, and not whose colonisers, they might have been. This may seem a great deal to say of a grant of 26,000*l.* a year; but this is a question on which the feelings of the people of Ireland are very warmly excited, and I can conceive that your legislation may tend further to exasperate those feelings. Last year you irritated and insulted them—this year you propose not only to irritate and to insult, but to add positive damage. On these considerations, with a view to the safety and good government of this empire, and the maintenance of national honour and honesty, I protest against the proposition of the hon. Member for North Warwickshire, as one divested of character, of statesmanship, and of judgment, and likely to subserve any object but that of the public good.

Mr. NEWDEGATE said, he thought the House must labour under one great difficulty in that matter, and that was to ascertain the point to which the observations of the hon. Member for Maidstone (Mr. B. Hope) tended. The hon. Member had deprecated inquiry into anything; and yet there was hardly a point connected with ecclesiastical subjects to which he had not made some sort of reference. As the hon. Member had alluded to so many extraneous topics, he (Mr. Newdegate) must say that he was surprised that he had said nothing about the induction of Mr. Bennett to the living of Frome. The hon. Member for Middlesex (Mr. B. Osborne) had also addressed the House upon the subject, and in a very different strain, and had been, as usual, witty and amusing; but his wit had been tainted by something of the assurance of the barrack yard. The hon. Member had, at all events, succeeded in proving incontestably his total ignorance of the subject under the consideration of the House; he had even boasted of his ignorance, and congratulated himself on his own blindness to the effects of circumstances which were almost universally recognised. The hon. Member was very unfortunate in the result of his readings in *Hansard.* He certainly appeared to have made a great point against the Chancellor of the Exchequer; when, lo and behold! he was detected in having most unfairly joined together portions of different speeches on different subjects, and then tortured the meaning of this composition of his own into the expression of opinions which he entirely attributed to the Chancellor of the Exchequer. Nothing could be more unfair. The hon. Gentleman had alluded to his (Mr. Newdegate's) hon. Colleague, and had stated that his hon. Colleague had made his Motion in a mean and cowardly spirit for electioneering purposes. Now, he had often been proud of having been associated with his hon. Friend, but he never felt prouder of that association than on the present occasion. His hon. Friend had met with a serious accident at one o'clock that morning, for he had been knocked down and driven over in the street; and surely there was very little of meanness or cowardice in his appearing in his place in the House that evening to bring forward that Motion after such an accident. But it was said that the Motion was made for electioneering purposes. Now he (Mr. Newdegate) believed that if his hon. Friend had had any such purposes in view, he would have adopted the terms of the Motion of the hon. and learned Member for Youghal (Mr. C. Anstey), and proposed a repeal of the Maynooth grant. But did the hon. and learned Member for Youghal desire that repeal? By no means, for the real object of his Amendment had been to get rid of that Motion by a side-wind. And this was evident, for the hon. and learned Member proposed that the House should inquire not into the education given at Maynooth only, though that was a wide subject, but into the application of all public grants in aid of religious purposes. It was manifest that such a Motion could only be made with a view to defeat the practical proposal of his hon. Friend. It had been said of Irish Members, that no matter to what purposes a grant was applied, so it was a grant of money, they could not bear to forego it. Was the hon. Member for Kerry so much of an Irishman that he clung to this paltry sum, and would defeat the inquiry altogether rather than give it up? He (Mr. Newdegate) should, till he heard him assert the reverse, believe that he deprecated the temper of the priests educated at Maynooth as much as he (Mr. Newdegate) did; yet the hon. Member's Amendment alleged there were means of inquiry by visitation; but he must know that these means were insufficient: they had been proved to be so by fifty years' experience. The hon. Member's Amendment was but another side-wind. The hon. Member for Middlesex had stated that the late Sir Robert Peel had opposed an inquiry into the state of the College of Maynooth in the year 1845; but that argument had been ably answered by his right hon. Friend the Home Secretary. Had there been no change of circumstances since the year 1845 to justify inquiry? Would the Roman Catholic Members of the Defence Association—would the hon. and learned Member for Athlone (Mr. Keogh)—get up in his place and say that the *status* of the Roman Catholic hierarchy had continued unchanged since that year? Could he hope that the people of this country would forget the intrusion of a Cardinal, rescript in hand, upon them in 1850? Had, or had not, the hon. and learned Member declared throughout Ireland his conviction of the necessity, in his opinion, for forming a great Roman Catholic League for the purpose of defending what the vast majority of the people of this country believed to be an aggression on their rights and privileges? The hon. and learned Gentleman, after proclaiming how great a circumstance, how vehemently to be defended by the adherents of the Pope and his legate, Cullen, was the intrusion of a foreign hierarchy upon Ireland, could not deny that that that fact had altered the relations of the Roman Catholic body of that country from those which existed in 1845. But the hon. Member for Middlesex had concluded his address by a quotation from a speech of the late Mr. Sheil. Now he (Mr. Newdegate) would beg the attention of the House — and more especially that of Roman Catholic Members—to an extract which he could read from a speech which had been delivered on that very subject, in the year 1845, by the same distinguished Gentleman. It was well known that Mr. Sheil was a sincere Roman Catholic, as well as a great ornament of that House; and in the year 1845 he spoke as follows:—

> "If I am asked whether I am prepared to defend every opinion contained in the text-books of Maynooth, I answer that I am no more prepared to do so than to defend everything in *Coke's Commentary upon Liitleton,* or everything contained in *Blackstone,* in his distinction between *malum prohibitum* and *malum in se;* nor do I conceive that Maynooth is responsible for all that is to be found in the books which are read in the course of its studies—the text-books must be taken in conjunction with the lectures of the professors; and if it be alleged that by the professors any criminal or intolerant doctrine is taught, or even broached, let a Committee of Inquiry be proposed by the Gentlemen by whom that allegation shall be preferred, and every Catholic Member of this House will vote in favour of the Motion."—[3 *Hansard,* lxxx. 712.]

The facts supposed by Mr. Sheil, that is, the ultramontane nature of the teaching at Maynooth, as evidenced by the conduct of the Irish priests there trained, had been credibly alleged in this House, and were recognised throughout the country. The Committee of Inquiry to which Mr. Sheil referred was proposed in the present instance; why, then, if they respected Mr. Sheil's memory, should Roman Catholic Members oppose the Motion? Many Members of that House alleged that the teaching in Maynooth was intolerant; and that the fruit of that intolerant teaching was evinced in the conduct of those who had been brought up in that establishment. What fairer specimen of the character of that teaching than the acts and speeches of a late Professor of that establishment (Dr. M'Hale) could be adduced? There was danger in the present condition of Ireland. Mr. Sheil, alas! was dead, and so was Dr. Murray; and in their places were to be found the hon. Member for the City of Dublin (Mr. Reynolds), and Dr. M'Hale, who were at the head of an association having for its object the overthrow of the civil and religious independence of this country. Had hon. Members never heard of the denunciations of the Roman Catholic priesthood? Had they never heard of the horrible curses which had been uttered by the Rev. Mr. Meehan? Had they not read Dr. Cahil's letters, exciting the Roman Catholics of Ireland to rise in rebellion against the Constitution of these realms, whenever England should be attacked by any foreign enemy? He was sure the House would feel that after the statement of his hon. Colleague it could not refuse to accede to the Motion. The country had long decided that question, and come to the conclusion that no further inquiry was necessary. The Legislature alone still remained unpersuaded, and still hesitated, for some reasons which he could not understand. And under these circumstances could there be a more reasonable proposal than that made by his hon. Colleague, that they should inquire whether there were any just grounds for the strong feeling which, it was admitted, prevailed throughout the country upon the subject, and cause a difference between the people and the Legislature? Why, by refusing that inquiry they would be treating the people of England with contempt; it was treating the honest conviction of all those who had sent petitions to the House on the subject with absolute contempt. And for what reason were they asked to pursue such a course? They were asked to pursue it in order that they might not produce irritation among the Irish people. But were the Irish people so content with their condition, or so attached to their priesthood? Was it not well known that no sooner did the Irish peasantry reach the shores of the United States than they emancipated themselves in millions from the thraldom in which they had been kept by their clergy at home? Were not attempts at present made by the priesthood in Ireland to prevent emigration, on the very plea that those who emigrated to America abandoned the Roman Catholic Church and liberated themselves from the tyranny of their clergy? Hon. Members opposite could not deny those facts, and yet they sought to evade that inquiry. Was not the teaching at Maynooth intolerant? Were not the students there instruments in the hands of clergy, thrust by the Court of Rome upon Ireland for the purpose of creating ill-will between that country and England? These truths were too well known. If they wanted to know the real objects and feelings of the clerical party in Ireland, let them read the *Tablet*. The *Tablet* was the organ of the Roman Catholic priesthood. Again, he challenged the hon. Member for Athlone to deny that the *Tablet* expressed the feelings of the most powerful section of the Irish priesthood. The hon. and learned Member for Athlone had been entertained at a great festival by his admirers, and towards the close of that festival a curious scene had occurred. A gentleman of the name of Roche had been called upon to respond to the toast of "The Press," whereupon a great uproar had been raised by the Roman Catholic priests, and a Mr. Murray, a priest, had rushed upon the table, amidst the crash of decanters, and had vociferated for Mr. Lucas, though Mr. Roche had risen in obedience to the chairman. And why had Mr. Lucas been so called for? Why was he preferred, and set up to set down Mr. Roche? Why, because he was the editor of the *Tablet;* which was, he (Mr. Newdegate) said, without the slightest hesitation, an organ more full of sedition, more full of anti-national feeling, more replete with the bitterest intolerance and bigotry, than any other paper that had ever disgraced the United Kingdom. He trusted that the House would not allow itself to be diverted from the moderate and reasonable proposal of his hon. Colleague, and that it would not any longer allow that cancer of Maynooth to fester in Ireland unsearched.

Mr. MONSELL: The hon. Gentleman who has just concluded his speech evidently thinks it is just and right that Protestants should coalesce for the purpose of attacking the Roman Catholics, but not that Roman Catholics should combine in order to defend themselves. The hon. Gentleman did not stoop to argument, but did what he could to fan to the uttermost the flame of religious bigotry. I will pass by his speech with the single remark, that in the case of the Rev. Mr. Meehan, to whom the hon. Gentleman referred, the report was entirely inaccurate, and that he never used the words which were attributed to him. [Mr. Newdegate said, he had not quoted any words used by Mr. Meehan.] What I stated was this, that the words to which the hon. Gentleman must have referred in making his statement—for I suppose he did not imagine or invent it—were incorrectly reported. But I pass by the speech of the hon. Gentleman, to the statement, far more important, of the right hon. Gentleman the Secretary for the Home Department. That right hon. Gentleman rose, after a tirade of abuse had been discharged against the religion of one-third of Her Majesty's subjects, without one word of reprobation of the language that had been employed. Did he not rather ratify the statements which had been made, and proclaim war to the knife against us, when he, occupying the high position of a Minister of the Crown, said not one word in reproof of our adversaries? Occupying that position, whatever his own private feelings might have been, I think we might have expected that he would have endeavoured to protect us from the statements so wantonly made by the hon. Member for North Warwickshire (Mr. Spooner). And now, what is the real object of the Motion which has been made? It was candidly acknowledged, if not by the right hon. Gentleman, by the noble Lord the Member for Woodstock (the Marquess of Blandford), that the object of the inquiry is to take away altogether the grant from Maynooth. Their object is to diminish the number of the Roman Catholic clergy in Ireland. What they wish and desire is, that the poor man, who has passed through a life of suffering, shall not have a priest to stand by his bedside, and give him the consolations of religion when he is dying. And here let me ask the House for one moment what is the conduct of every other country in Europe where there is a divided population—that is, where there is a considerable minority differing from the majority on the subject of religion? I say, that in every instance that minority is treated with consideration. They have ministers endowed, schools founded, and children educated out of the funds of the State. Yet you wish to support a position of insulated illiberality; and you, who profess to be the friends of civil and religious liberty all over the world, who profess to desire to see your free institutions copied in every part of the globe, take this for a specimen of the policy which you wish to hold up for imitation. You have taken away from the people of Ireland the property left for the support of their religion by the piety of their ancestors, and you begrudge them the poor and miserable grant of 26,000*l.* per annum, which is all they receive at your hands. In one of the constitutional essays published by the noble Lord the Member for Hertford (Viscount Mahon), he says that the Tories of the present day profess the same principles which the Whigs did a hundred years ago. Mr. Macaulay, in commenting upon that passage, observing that the nation was constantly advancing, said that the head and tail always maintained their relative positions, though the tail was now where the head was then. But where does the right hon. Gentleman trace his opinions to? Not to Mr. Pitt, who founded and endowed Maynooth; not to Lord Clare, stern Protestant ascendancy champion as he was. Not to Mr. Perceval. No; he must trace back his political ancestry on this subject to the time of the penal laws. It is there, and there alone, that the opinions which we have heard this night, and which are supported by a Cabinet Minister, must be found. Therefore, the right hon. Gentleman, instead of being in advance of Mr. Perceval or Mr. Pitt, has gone back to those times which, I should think, no one would ever wish to see revived in this country. Under these circumstances, with the strong feeling existing in the country, and with the line that Her Majesty's Government were prepared to follow (though the speech of the right hon. Gentleman was not expected), the question is, what course it is expedient for those to take who are most deeply interested in the College of Maynooth? Now, on this subject I speak for myself alone. I will not oppose this inquiry, because I believe that the more you look into the teaching and lectures of the professors, the more you will find that College is honestly and fairly conducted, and does carry out, *boná fide*, the intentions of those who founded it, not, of course, by teaching the Protestant, but by teaching the Catholic religion. I believe that the results of that teaching are most satisfactory to the people of Ireland, and will be satisfactory to any fairly appointed Committee of this House. If a Committee be appointed, I will ask the House, in common justice, to take care that the tribunal appointed be a fair one. I will ask them not to put on that Committee jurymen who have signed their verdict before they go into the box. Do not let them send them there judges who have written their judgments before they have heard the cause. Do not let them appoint Gentlemen who have written to their constituents to say, that if the repeal of the grant to Maynooth should be proposed, they have determined to support the Motion. Let the inquiry be a fair and a full one, and I, for one, shall be fully satisfied. In expressing that opinion, I am happy to say that I am confirmed by the written opinion of the Roman Catholic Archbishop of Armagh (Dr. Cullen). The most rev. Prelate said, that in his opinion it would not be wise to oppose inquiry; that the College could defy all its enemies; that there were no secrets, no occult practices; that the books used were known to the world, and might be had of any bookseller; and he goes on to say, that in the present state of feeling in the country, he thinks it better that there shall be a full inquiry. The only object, then, which I have in view now is, that the House will take care that the inquiry shall not be entrusted to a Committee which has prejudged the question.

Mr. DUFF thought it quite unnecessary to make any observation upon the statement which had been made by the hon. Member for North Warwickshire (Mr. Spooner). He had little doubt that the inquiry moved for would be granted; and he certainly thought, after all that had been said of late, both in that House and out of it, respecting the system of education in the College of Maynooth, that such an inquiry would be considered desirable, not only by the opponents of the Maynooth grant, but by those who were friendly to its continuance. He must say, however, that he agreed with the hon. Member for North Lancashire (Mr. Heywood), that this inquiry ought to be extended to the exclusive system, which in some degree existed at Trinity College, Dublin; and if the Motion before the House were carried, he would also consider it to be his duty to vote for the addition of the words proposed by the Member for North Lancashire. If the hon. Member for Montrose (Mr. Hume) had persevered in the Amendment of which he had given notice, he (Mr. Duff) would have been equally prepared to support that Amendment.

Mr. MOORE had no intention of following the hon. Member for North Warwickshire through the fields of theological controversy in which he had been revelling. He believed it was quite possible for a Gentleman who had no intention of speaking an untruth to be guilty of utterly perverting and falsifying facts unintentionally. He would take the liberty of saying that the hon. Gentleman had been guilty of such a perversion of fact as he hoped would not be found recorded amongst the casuists to whom he had alluded. The hon. Gentleman stated, that in the works of Mons. Bailly, which he quoted to the House, a mental reservation, which amounted to little less than perjury, was justified; and he quoted the following words:—

> "Causa a juramenti obligatione excusans est limitatio intentionis jurantis, vel expressa, vel etiam tacita et subintellecta."

But at the very moment he was inveighing against a perversion of facts, he stopped short in his quotation, leaving out the words, "ex dispositione juris, vel ex consuetudine;" that was to say, that a man taking an oath might resolve in his mind the legality of the act which he engaged to do, and might limit it to the reservation which, by common custom, might apply to the circumstances under which he swore; it was as though he (Mr. Moore) were to take an oath to make a Motion in that House on a particular subject, and afterwards found that he could not do so according to the rules of the House; he should therefore be exempted from making the Motion. It must be recollected that a few weeks or months ago the hon. Member put upon the paper a Motion in which he intimated his intention to repeal altogether the grant to Maynooth; but now the hon. Gentleman appeared to have altered his intention, and came to the House with a speech which breathed of Exeter-hall, and a proposition which smacked unmistakeably of Downing-street. So that the Protestantism of the hon. Gentleman was only Brummagem metal after all. What was the principle of the agitation out of doors upon this question? It was this, that it was not expedient nor proper that the Protestant people should be taxed for the maintenance and propagation of a religion which they believed to be untrue. That was a lucid, clear, and intelligent position, in the comprehensive and bold application of which the people of Ireland even would not be much inclined to disagree. But what need was there of an inquiry into the state of education at Maynooth to settle that point? Did any one deny that the religion taught there was a religion in which the Protestant people did not believe? Would the hon. Gentleman himself be inclined to propose an inquiry into the comparative truth of the Protestant and the Roman Catholic religions? The hon. Gentleman had said, that the object of the State in granting that endowment was to protect the Roman Catholic clergy of Ireland from foreign and ultramontane influence, and to infuse into the Roman Church a national as well as a Catholic spirit. He (Mr. Moore) feared that result had been fulfilled, not only beyond their expectations but beyond their wishes. Was it possible to conceive a body of men more full of national instinct, more incorporate with the people, than the Roman Catholic clergy of Ireland? They had, he feared, been found too national, too independent of Papal influence. Six years ago Government obtained a brief or rescript from Rome, the intention of which was supposed to be to fetter and restrain the Irish ecclesiastics in the exercise of their civil and national rights. The public opinion in this country was absolutely ultramontane in its indignation at the want of humility and obedience of the Catholic clergy to the mandates of the Pope; and it was only the other day that an English viceroy was detected in secret and clandestine correspondence with the Pope, humbly seeking his interference in the domestic arrangements of the Roman Catholic Church. If their object were not to nationalise or to popularise, but to separate the Irish clergy from the nation, then indeed they had begun at the wrong end. The Irish Roman Catholic clergy had been for ages the leaders of the people, because for ages the people had had no other leaders, and no other friends. While the laws made it penal for the Roman Catholics to read or to write, the priests taught the people how to live and die; while the laws degraded them into savages, the priests marshalled them into a nation, and taught them to be a people. Let the State, then, come forward as a leader and friend of the people, and the priests of Ireland would deliver over to them the keys of the fortress of the people's hearts with benediction and with prayer.

Mr. GLADSTONE: Sir, I propose to give my vote in favour of the Motion which the hon. Gentleman the Member for North Warwickshire (Mr. Spooner) has made; but the subject is of so much importance, and I differ so widely from the spirit of the speech by which he introduced and recommended that Motion, that I cannot honestly or properly consent to vote in silence. Sir, I am not here to contend that Parliament is bound by any compact to the maintenance of the Act which secures the endowment of the Maynooth College. I do not now raise the question what may be due to individuals whose livelihood is dependent on their employment in connexion with the college. I speak of its permanent maintenance, and in regard to its permanent maintenance I altogether disclaim the doctrine of compact. But while I disclaim the doctrine of compact, I must add that it appears to me that unless you can show in a definite manner and by substantial proofs that the objects and purposes of that endowment have failed, that the expectations you entertained at the time of that endowment have been frustrated—unless you can show all this, then both prudence and justice, in their highest forms, demand the maintenance of this endowment. It appears to me that failure cannot be shown; and I must say, in the first instance, it would be to me a subject of very great grief and of very serious apprehension if that failure could be shown. I confess I am surprised at the manner and tone in which this question is approached by many hon. Gentlemen. They seem to think it a small subject whether they shall withdraw this endowment from the College of Maynooth. They forget that its importance is not to be measured by the figures that designate its amount. They forget that the endowment of the College of Maynooth is of itself, if not a vital, yet a great and a material circumstance in the whole relations between England and Ireland. They forget that in 1845, when the whole power of a strong Government was staked upon carrying the enlargement of this endowment, that that important Act derived its chief importance from the feelings and the sentiments of which it was the symbol. They have not seriously asked themselves what will be the next step which the withdrawal of this endowment will lead to: for my part, I do not say that if this endowment can be shown to be mischievous—if your expectations founded on it can be shown to have failed—I do not say that in that case the endowment is to be maintained. But this I venture to say, that if this endowment be withdrawn, the Parliament which withdraws it must be prepared to enter upon the whole subject of a reconstruction of the ecclesiastical arrangements in Ireland. I am not speaking of what is right, or what is wrong. I am not speaking of what is to be desired, or what is to be deprecated. For my part, I deeply deprecate the series of changes upon which such a course would precipitate us; but I am speaking of what I believe to be not merely the logical but the necessary consequence of the course upon which we should be entering. And having these anticipations of the consequences of such a policy, begun in such a form as the hon. Gentleman the Member for North Warwickshire would propose, it is but honesty on my part that I should state them fairly in the face of this House of Commons. It appears to me that no serious case has been made out to prove the failure of this endowment. We have not yet completed the cycle of seven years since the present endowed institution of Maynooth has been organised. I believe I am correct in saying that not one single student in the regular course of theological education in that seminary has yet left Maynooth who entered the college since the enlargement of the endowment. Now, Sir, I am sure no reasonable man could expect that that endowment was to operate by magic upon the sentiments and the habits of a whole generation and an entire people. It is painful to me to hear the language in which parts of the history of Ireland and circumstances in the state of Ireland have been referred to to-night. Nothing is more easy, God knows, than to make inflammatory and exasperating statements in regard to the condition of that unhappy country. Nothing is more easy than to retaliate those statements. You may draw forth cheers and counter cheers; you may gratify the feelings of zealots and partisans; but what does all that do for the prosperity, the happiness, and the peace of the country? Why, Sir, there was a time—it was when one of the Acts was passed in the Irish Parliament relating to the militia—in which that Parliament thought fit to frame the preamble of that Act in a mode somewhat like this—I do not quote the exact words, but from memory, and the substance is accurately given:—"Whereas the Popish inhabitants of this country have often broken out in rebellion, and whereas it is most probable that the said Popish inhabitants will again, in a future time, rebel, therefore be it enacted," &c. Sir, I had hoped that the spirit which dictated those words was no longer represented within these walls. But, Sir, when I heard the hon. Gentleman the Member for North Warwickshire speak of the priests of Maynooth, and of their relation to sedition and rebellion, in the language—as I thought, the imprudent and most unfortunate language—he used, I cannot but feel that we are still in danger, unless we put a guard upon ourselves when we discuss these inflaming questions, of being hurried back into a temper such as, in our cooler moments, we all should deprecate, and such as is fraught with most dangerous consequences to the country. Now, Sir, I think that the hon. Gentleman has mentioned points, and that there are other points, which may be legitimate subjects of Parliamentary inquiry in connexion with the College of Maynooth. I frankly own that I should prefer this inquiry had taken place at a somewhat later period; because I think it would be more nearly consistent with wisdom if you were to wait at least until the pupils of some two or three successive years had gone through their training at Maynooth, and until you had had some practical experience of their pastoral efficiency and their general conduct as compared with the older priests who were reared under an earlier and more pernicious system. This, it seems to me, I confess, would have been a wiser course than that we should examine at a period when evidence is scarcely, as I should say, ripe for investigation. At the same time, when a Motion of this kind is made, we must consider, not simply the expediency of making it, but we must consider the consequences that will flow from resistance. Now, I confess it appears to me that my hon. Friend who spoke latterly from that bench (Mr. Monsell) has acted wisely, and has formed a just judgment, when he said he thought, considering the strong feeling in this country in favour of the inquiry, that it was for the interest of Maynooth that those who were its friends should not place any obstacles in its way. If it be true, as has been alleged, that the establishment is extravagantly large—if it be true, though I confess I have heard no evidence to induce me to believe it—that at Maynooth you not only have the means of educating a supply of Roman Catholic priests for Ireland, but that you likewise send a surplus to England and the Colonies that ought not to be: those are legitimate subjects for inquiry. I grant you are entitled to inquire, if you think fit, when Parliament has endowed an institution with 26,000*l.* a year, whether that money is economically, judiciously, and effectively applied to the purposes which Parliament intended. Nay, more, I go a step further, and say, that when allegations have been raised, such as those of the hon. Gentleman the Member for North Warwickshire, in regard to the teaching at Maynooth as respects civil duties and the obligation of allegiance, I do not think it would be wise to show the slightest indisposition for a full inquiry. I confess my own belief is, in regard to that point, that the inquiry will end much as it began. The hon. Gentleman spoke of the Report of 1827, made by the Commissioners of Education; but I very much doubt whether the hon. Gentleman has discharged the labour of wading through that Report. If he had done so, I think he would have found that those Commissioners had sounded the very depths of casuistical teaching in regard to oaths; and I doubt whether the hon. Gentleman will produce any fuller exhibition of the doctrine, or will arrive at any more definite conclusion than was arrived at by those Commissioners. If I pass from these points to the general tone and spirit of the hon. Gentleman, it appears to me his main charge against the College of Maynooth is, that in that college are inculcated the doctrines of the Roman Catholic religion. It is a question of the gravest character, whether Parliament should enter into relations of that kind with the Roman Catholic Church. But permit me to say it is a question that does not depend upon an examination of minute details. It is a question for the highest legislative wisdom and statesmanship. It is not a question to be referred to the inquiry and the report of any Select Committee. And here I come to the limitations which, as it appears to me, prudence and justice must impose on this inquiry. In the first place, I find that both the hon. Gentleman who moved the inquiry and the noble Lord who seconded it—either in express words or by implication not to be mistaken—stated it to be their view that they looked upon this inquiry simply as a means of establishing certain charges upon which they had made up their minds, and as the first step in the process of the repeal of the Act. I hope the hon. Gentleman will not think I am treating him with disrespect if I state that a Select Committee appointed upon the Motion of a Gentleman who expresses views like these, must not be considered as competent to make this inquiry. The inquiry is too large and too important, I will presume to say, for the guidance of any individual Member. It is a great national question whether you shall or shall not withdraw the endowment of Maynooth. It is a question at all times to be dealt with by the Executive Government; and what I venture respectfully to claim is, that the proposed inquiry shall likewise be conducted under the immediate superintendence and responsibility of the Executive Government. We are here to do impartial justice, and to consider alike the feelings of the people of England, the people of Ireland, and of Scotland. It is consistent with that justice that we should institute an inquiry into the state of the College of Maynooth, and the system of education there; but it would not be consistent with that justice that the conduct of such an inquiry should be entrusted to any Member of Parliament, however great his eminence and his gifts, whose mind was pledged to a foregone conclusion; and to an inquiry being conducted under such auspices, I could not for an instant be induced to consent. There is another limitation which I think it is essential for me to point out to you, because it is founded in the very nature of the subject. I conceive that the inquiry proposed ought not to be an inquiry into the general character of the doctrine, discipline, or exercises of the Roman Catholic religion at the College of Maynooth—I conceive it upon grounds of reason, because I say that that would be only trying in a Select Committee the policy of the endowment of Roman Catholic institutions by Parliament, which is not a question that ought to be entrusted to a Committee. This I say upon grounds of reason—but it is likewise a principle which has ample support from the history of this case. I have used the words "doctrine, discipline, and exercises of the Roman Catholic religion at the College of Maynooth," because these are the words—the wise and comprehensive words—employed in the statutes upon this subject. We are not without precedents in this case. The hon. Gentleman the Member for North Warwickshire proposes that we should inquire into the system of education at Maynooth; and I fully grant to you that you might place a construction upon these words if they were not ruled and limited by what I think to be the sense of the Acts of Parliament and the precedents that bear upon the case—I grant that under these words the hon. Member might be able to introduce such a largeness of theological investigation as might satisfy even his appetite in that direction. But this is not the first time that the College of Maynooth has been inquired into. In 1827 you had a Report of a Royal Commission upon the College of Maynooth. What was the view that that Commission took of its duties with regard to its inquiry into the college, and what were the instructions under which it acted? I will show you that its instructions were quite as large as those that are proposed by the hon. Member in reference to his Select Committee; for the Crown in the year 1824, after reciting an Address of the House of Commons praying for the appointment of a Commission, then appoints certain individuals in these words, "To inquire into the nature and extent of the instruction afforded by the several institutions in Ireland established for the purposes of education, and maintained, either in whole or in part, from public funds." They were to inquire into "the nature and extent" of the instruction afforded in these institutions; but, notwithstanding, when they came to report, they placed in the foreground of their report these words of wisdom—"We do not consider that it fell within our province to examine into the tenets of the Roman Catholic religion, except where they appeared to be connected with the civil duties and relations of Roman Catholics, either towards the State or towards their fellow-subjects." I confess that it appears to me that these words lay down with the greatest impartiality and precision the due scope of this inquiry. You are entitled to inquire into the condition of the college—you are entitled to inquire into the system of education there pursued—you are entitled to inquire into what the Roman Catholic religion teaches, so far as it touches the civil and political duties of the inmates of Maynooth College: but beyond that you are not authorised to go, and into the domain of theology you should not presume to enter. And I must point out to the House that it is perfectly evident that this is the spirit and intention with regard to which the Acts of Parliament upon this have been framed. I understood the hon. Member for North Warwickshire, in the speech in which he introduced this question to the House, to make an argument of this kind. He said, "So far as regards matters not Roman Catholic, visitors are already appointed, and, therefore, there are means of dealing with them; but, so far as regards matters Roman Catholic, there are no visitors, and therefore I must have them referred to a Select Committee." That I understood to be his argument, and I understand the gist of this Motion to be exactly the converse of what in my opinion it ought to be, namely, that he wanted a Committee which was to inquire at large into the system of the Roman Catholic Church as taught and exercised within the College of Maynooth. Now, Sir, I say that that is the very thing which we have not the right to touch, except so far as the system of the Roman Catholic Church bears upon the question of civil obedience. But what are the provisions of these Acts? It is perfectly true that by the Act of 1795, by which Maynooth College was founded, the Irish Parliament did appoint trustees with visitatorial powers. In the Act of 1800 the Irish Parliament constituted one body of trustees to hold the property, and appointed another body to exercise visitatorial power. In the Act of 1845 that visitatorial power was continued; but the superior power of Parliament was likewise reserved, and that in two ways: in the first place, by making a special provision that the Lord Lieutenant might be required by the Crown to order a special visitation; and, moreover, it was reseved in the Act of 1845 that the reports of the visitors should be annually laid upon the table of both Houses of Parliament. I conceive that this provision, namely, that the reports of the visitors should be annually laid before both Houses of Parliament, would be a distinct recognition of the principle that the intention of Parliament was to reserve its own full and unimpaired rights over the institution which it had founded. Setting aside considerations of policy, therefore, it is plain that you are fully entitled to inquire into the condition of the College of Maynooth generally. But the hon. Member for North Warwickshire was entirely in error when he represented that Parliament had appointed no means of visiting the College of Maynooth in regard to Roman Catholic discipline, worship, or instruction, and that therefore it was the duty of Parliament to step in by means of a Select Committee. On the contrary, if the hon. Member had read the Acts of Parliament, he could not fail to perceive that Parliament had constituted a visitatorial power for purposes specifically Roman Catholic, and has made that power a final power. Parliament provided in the Act of 1800, and again in 1845, that as regarded any matter "which touched the exercise of the Roman Catholic religion, or religious doctrines or discipline thereof, within said college or seminary," no such matters should be touched by the visitors at large, but that all such matters should be referred to the jurisdiction of the Roman Catholic visitors exclusively; and while Parliament provided that the visitation into the college for general purposes should be accompanied by reports, which were to be annually placed in our hands, as regarded the doctrine, discipline, and instruction of the Roman Catholic religion, Parliament referred these to the Roman Catholic visitors only. It required no report whatever, and made no reference to our supervision. Therefore nothing can be more clear upon the statutes, nothing can be more clear upon the precedents, than that, when Parliament entered upon this arrangement, it did not intend to place the Roman Catholic members of the college perpetually upon the tenter-hooks for fear of being brought into collision with those who held the tenets of the Established Church. Parliament approached the subject in a comprehensive and statesmanlike spirit. It proceeded upon the principle that the Roman Catholic Church, whatever it was, was a system well known to history, whose merits or demerits had been tested by experience sufficiently long, so that you could say "Aye" or "No" whether you would have relations with it or not; and it did not condescend to accompany this boon with conditions which would have made it insufferably degrading and painful to the receivers. It wisely provided for protecting from the attacks of theological rivalry the feelings of the persons for whose benefit the endowment was intended, and in so doing it left a clear pattern of the rules which should direct our course of acting. In conformity with that pattern, I propose to assent to an inquiry; but to assent to it with the strongest expression of opinion that we ought now to proceed upon the principle upon which Parliaments have proceeded in former years, namely, reserving this great and important international question from the management of private and individual hands, and that we make it a *bonâ fide* inquiry into the application of the Parliamentary grant for the purposes provided for by Parliament, and that, adhering to the terms of these important statutes, we do not suffer them to be departed from by indulging in investigations that would be most improperly conducted, whether into the doctrines, or the discipline, or the exercise of the Roman Catholic religion within the walls of the College of Maynooth.

Mr. GRATTAN said, he was surprised that Government had come forward so ill-prepared on this subject. They were wrong in their premises and wrong in their conclusions. They knew nothing about the matter, and were altogether ignorant of the affairs of Ireland. He asked, why did they dare to libel his countrymen when they said that there was a conspiracy amongst the priests of Ireland to wean the people from their allegiance to this country? The charge was false. No more loyal body existed than the Roman Catholic priesthood in Ireland, and to prove the fact, they need not go further back than 1848, when a few deluded but honest men had become involved in an insurrection. Then it was said that the College of Maynooth supplied clergymen to foreign countries; but so far from this being the case, 140 Roman Catholic clergymen had to be brought from the Continent to supply the wants of the Irish people. When they spoke of the danger of giving the Irish youth an un-English education, he would ask what inducement was there to give them an English education? They had been brought up in the crucible of sorrow and affliction, created by the misgovernment and injustice of this country. Let them recollect that their great thunderer of the press had no gentler epithets for the Roman Catholic priesthood than "surpliced ruffians" and a "rebel priesthood." Loyalty, too, was talked of, but what was loyalty? Were the ancestors of the English people loyal to Charles I. and James II.? Let them not give an oath of allegiance to the Irish nation to swallow, but let them give them good government under which they might live. Give the people of Ireland good government, and it would bind them closer to them than these miserable and unmeaning oaths. Why should they talk of the oath of allegiance to the Irish, when this country had ever acted as tyrants towards their country? If they agreed to an inquiry into the Catholic College of Maynooth, why, he would ask, should they not also inquire into the institutions of Protestantism? The Protestant Church derived an income of 1,200,000*l.* from their land tithes in Ireland; and how then could any individual come forward and call upon the Catholics to disgorge their money? Let them recollect the tithe system of Ireland, in which the grossest injustice was done to the unfortunate Catholic tenantry. He was against this Motion; for, as a Protestant, he thought that they would be acting much better if they did not interfere with the Catholic Church, but allowed the Catholics to manage their own affairs.

Sir ROBERT H. INGLIS said, he thought the debate ought not to close without a passing reference being made to one passage in the speech of his right hon. Friend and Colleague the Member for the University of Oxford (Mr. Gladstone), whom he understood in the earlier part of his speech to state that it was quite true that there was no compact made between the Legislature of the country and the College of Maynooth; and that therefore the Imperial Legislature were at liberty to recall the grant or modify its application in any way that was more adapted to the necessities of the case, or that at all events the subject was open to the consideration of the Imperial Legislature; but, nevertheless, his right hon. Friend went on to say that the House must take care what they did in this matter, because if they withdrew the grant from Maynooth, they must be prepared for a new arrangement of the ecclesiastical establishment in Ireland. [*Cheers.*] It was not so much the words of his right hon. Friend which roused his attention, as the significant cheers which they had evoked, and which had now again been repeated. Now, to put that language into simpler terms, did not these words mean a further confiscation of the property of the Irish Church? He did not say that his right hon. Friend was to be held bound to such a confiscation as some of those who cheered him would desire; but at any rate these words must mean a continuation of that system of alteration which was begun fifteen years ago, and in which one-half of the Irish hierarchy was sacrificed. He would not, however, apply the word "confiscation" as being in the mind of his right hon. Colleague; but he knew from the cheers with which his right hon. Friend had been met, that confiscation was uppermost in the minds of many of them. He did not believe that such a result was a necessary or even a probable consequence of their inquiries about Maynooth: and not believing it, he would not look at it as an object in their path. He should not perhaps have risen at that hour of the evening to notice any other point except this; but, before he sat down, he wished to state two or three other considerations which the speech of his right hon. Friend suggested. He talked of the College of Maynooth as established by Act of Parliament; so were the Great Western and the South Western Railways. It was not, in any other sense, established by Parliament until within the last seven years. In the Irish Parliament permission was given to a company of individuals to found the College of Maynooth; but that body did not even give a grant towards the foundation, in the popular sense of that word. A donation was given, in the same way as any hon. Member might give 1,000*l.* to the London Hospital; but it was never repeated, and, being purely a donation, pledged the Government and Parliament of Ireland to nothing except that act of charity. He quite admitted that afterwards, that is, for twenty years after the Union, the case stood on a different ground; but he contended that from that period up to the passing of the Act in 1845, there was not the shadow of a ground for claiming this grant as a right; and, even now, he contended that the Legislature had it in their absolute discretion, if it should be their pleasure, to repeal this Act. That, however, was not the object of the present Motion. His right hon. Friend the Secretary of State for the Home Department had, in language and in a tone which was not only most temperate but most judicious, shown that the existing system of visitatorial inquiry did not in the slightest degree touch the objects which his hon. Friend the Member for North Warwickshire (Mr. Spooner) desired to attain by this Motion. The existing visitation was limited almost entirely and necessarily to the external character of the institution, and did not touch the vital essence of the system which it was the object of his hon. Friend's Motion to have investigated. He (Sir R. H. Inglis), however, entertained an objection to the Motion, believing that on the 11th May, with the prospect of a dissolution imminent in the course of the next three weeks or a month, it was not desirable that the House should engage in such an inquiry as was now proposed to them. But, as the leaders of both parties in the House concurred in this Motion, and as even that guerilla band which had sent forth so many champions in the course of the evening, and were always prepared to do so, were in favour of the proposition—as appeared from the speech of their leader the hon. Member for Limerick (Mr. Monsell), he should vote for it as a recognition of the principle of inquiry; believing, however, that nothing further would result from the Motion during the present Session.

MR. HUME said, that the question involved in this Motion was one of a much more serious nature than a mere inquiry into the manner in which the Catholic priests were educated at the College at Maynooth. When Parliament gave to the Irish people an establishment for the education of the ministers of their religion, it never meant to prescribe to them the mode in which they should educate them. He had always contended that it was the wise and proper policy of this country to remove those oppressive restrictions and disabilities which had been imposed upon Ireland, in order that her discontent might be removed, and that she might become a tower of strength instead of a source of weakness to this country. How inconsistent, then, was it to entertain such a Motion as this, which, according to the speeches of the Irish Members who had spoken, would increase discontent in that country, after the strong representations which had been made of the defenceless state of the country, and after the House had been occupied for the last three or four weeks in providing additional security. He believed that this Motion would be attended with disastrous results, and would materially increase the difficulty of governing a country, seven-eighths of whose population were Catholics. He thought the House had a right to hear from the Secretary for Ireland what would be the political effect of this Motion upon that country.

VISCOUNT PALMERSTON: Sir, I rise for the purpose of stating very shortly the grounds why I constitute one of those exceptions which my hon. Friend by me was at a loss to find, who are prepared not to agree to this Motion. It is my intention, if the House divides, to vote both against the Amendment and the original Motion. Sir, I think that this House is entering on a very unwise and dangerous course. I think they are entering on a course which, if a Committee be granted, must either end in a nullity or in very dangerous consequences. I think that no ground has been laid for the Motion of the hon. Member for North Warwickshire (Mr. Spooner) in the speech which he made. I think, of that speech, that it certainly does bring to mind the opinion entertained by some, that the shades of departed men are wont to hover over the scenes of their earthly occupations; and if the shade of Dr. Duigenan had been hovering over this debate, I can imagine the grim delight with which his spectre would have surveyed the scene. I thought we had got back to the times when the Catholic question was debated, and that we were not discussing the incidental and single question of the endowment of the College of Maynooth; for what was the line of argument which the hon. Member for North Warwickshire adopted? Did he go into any details of the system of education at Maynooth—of a system of education peculiar to that establishment? Did he tell us what were the doctrines inculcated by the lecturers, and in what way the course of education was likely to defeat the purposes for which the establishment was framed? If he did, I must confess that those parts of his speech did not catch my attention; but I did hear long and elaborate dissertations on the fundamental doctrines of the Catholic religion; I did hear quotations from writers whom the hon. Gentleman described as the Bacons of the Catholic Church; and I presume, therefore, that the main ground on which this inquiry is proposed by him is, that he believes, and no doubt sincerely, that there are in the Catholic religion, or at least in Catholic authorities, tenets which he considers to be at variance with the welfare of a Protestant country. I do not like to enter into that question; but I am quite sure that, if that were a question fit to be entered on, it is not by an inquiry into the College of Maynooth that it can be properly entertained. It was stated that one great evil intended to be remedied by the College of Maynooth—an evil which is ascertained still to be prevailing—is the prevalence of ultramontane and foreign influences and authorities in Ireland. But shall we remedy that by abolishing the College of Maynooth?—and I am entitled to say that the withdrawal of the grant from the College of Maynooth is the object of those who have moved and support this Motion, because that was fairly avowed by the noble Lord who seconded it. He put the question fairly. He said, "This is but the first step; the object I have in view is the entire withdrawal of the grant, and the repeal of the existing law." Then, what is to be the result of that? You will drive your Irish Catholic priests to be educated abroad; and will they come home from abroad less imbued with ultramontane doctrines and foreign influences than if they had been educated at Maynooth? It is absurd to suppose that such a result can arise from such a proceeding. When we are told also that some of those who are educated at Maynooth, instead of being employed in Ireland, are sent elsewhere, I think that has been answered by my hon. Friend the Member for Mayo, who showed that the total number of priests required for the supply of Ireland was greater than the number educated at Maynooth. As to the conduct of the Irish bishops, with which great fault has so justly been found, I cannot see the connexion between that and the endowment of the College of Maynooth. But we cannot shut our eyes to the real cause of this Motion, and to the real motives by which it has been suggested. This Motion arises from the feeling out of doors which has been unfortunately raised among the Protestant portion of the people of this country by what I shall not shrink from characterising as the aggressive and violent proceedings of the Court of Rome. I don't wonder that these proceedings should have produced a deep impression of resentment—nay, of indignation—on the part of the Protestant portion of the community; but do not, because the Court of Rome has done that of which the people of England have a just right to complain—do not, I say, punish the Catholic youth of Ireland who are intended for the priesthood. I contend that it would be not only unjust but impolitic to do so; because you would thereby inflict an injury upon yourselves; you would aggravate in Ireland the very evil, one of the circumstances connected with which is the cause of the anger which is at present felt in many parts of the country. I must say that this Motion appears to me a Motion of vengeance, and that, as a Motion of vengeance, I think it impolitic. And it is not only because it is a vindictive Motion that I think it an impolitic Motion, but because it is at variance with all those principles of sound national policy upon which the Government and Parliament of this country have hitherto acted in regard to this question. It is upon that ground—that broad and general ground—that I am prepared to resist the Motion which is now about to be proposed to the House. My view of the question is not altered by the very proper and honourable offer which has been made by the Catholic Members of this House on the part of the Catholic priesthood of Ireland, to lay the institution open to the fullest and freest inquiry. No ground, in my opinion, has been laid for an inquiry at all at this particular moment. I don't dispute the right of the House to inquire. Any institution which is supported in any degree by public money must submit to inquiry, if sufficient ground is laid for making the inquiry. There may be ground in this case, or not; I am not able to speak as to that; all I contend for is, that no ground for it has been laid in anything which has been stated in the course of the present debate. But if inquiry be thought to be necessary, a right hon. Friend of mine has pointed out that there exists another authority under Government capable of making it; and I must say that in my humble opinion there is no machinery for making an inquiry of this kind so utterly objectionable as a Committee of the House of Commons. Why, we should have fifteen Gentlemen sitting upstairs, summoning before them the different officers of Maynooth, and examining them according to the varying fancy and spirit of inquiry of each member of the Committee. Either the inquiry would be conducted with all that respectful abstinence which becomes an inquiry so deeply and intimately connected with the religious opinions of men differing probably in creed from their examiners—and, if so, you would not get at the results which the promoters of the Motion wish to attain; or it would be conducted upon a different principle, and then the result would be that you would have theological inquiries, which must be highly offensive not only to the persons examined, but to those who belong to the same faith in Ireland; and I must add that in either case it would be most unwise and most inexpedient that the inquiry should be proceeded with. But the people of Ireland will not believe that the mere motive, and object, and effect of the Motion, if carried, will be to inquire into the College of Maynooth. They will look upon it as the yielding of the House of Commons to what, if it were not disrespectful so to call the prevalence of sincere opinion, I would describe as a fanatical cry. But the people of Ireland are clearsighted enough to see that were the House of Commons to adopt this Motion they would be merely yielding to a popular feeling created by the circumstances of the moment; and if they are charitable enough to think that the Members of this House have yielded to that cry, or that many persons who are going to vote for this Motion have not been much moved thereto by considerations of the approaching election, they will be giving them greater credit than, in my conscience, I think they deserve. I again say, that if any Members of this House shall call for a division on this Motion, I shall think it my duty to vote against it, and that I earnestly hope, in spite of the handsome offer on the part of the Catholic Members to submit the institution to the fullest inquiry, the House will either resist the Motion altogether, or, if an inquiry be thought expedient that that inquiry will be conducted by Commissioners appointed by Government;—because it is obvious that a subject of such a delicate nature, involving questions so deeply affecting the interests of a large portion of the community, is not a subject which should be submitted to the rough handling of the Members of a Select Committee of this House.

MR. SERJEANT MURPHY moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

The CHANCELLOR OF THE EXCHEQUER said, he had watched the debate with great attention, and it seemed to him that it had one remarkable characteristic, and that was that almost every speaker had been of the same opinion; and, therefore, it seemed to him extremely advisable to conclude the debate that night if possible.

Mr. M. J. O'CONNELL wished to say, the hon. Member for the county of Limerick did not make any communication to him before he made his proposition; and he (Mr. M. J. O'Connell) and other Catholic Members had strong objections to urge to the Motion. If there was any chance of his then being able to do so, he should go on; but after two speeches being made against the Motion, which were unanswered on the other side, it was impossible to expect that he should be listened to.

Mr. REYNOLDS begged to say, that he had waited with breathless anxiety to hear the opinion of the organ of the Irish Government—the Chief Secretary for Ireland—on the subject so closely connected with his department. He was anxious that on a great and important question like this, the Chief Secretary for Ireland, or, in his absence, the right hon. and learned Gentleman the Attorney General for Ireland, the representative of the University of Dublin (Mr. Napier) would give some explanation of the speech delivered by the right hon. Gentleman the Secretary of State for the Home Department. He (Mr. Reynolds) was particularly anxious to ascertain whether the opinions of the organ of the Irish Government in that House harmonised with the No-Popery speech of the Home Secretary; because, having listened to that speech with attention and with feelings of pain, he could not help coinciding in the opinions expressed by the noble Lord who had just addressed the House, that the spirit of the ancient times of bigotry and intolerance hovered over this discussion. He (Mr. Reynolds) cared very little for the speech of the hon. Gentleman the Member for North Warwickshire, because he was prepared to bear that speech with Christian patience. A man who was elected to the honour of enjoying a seat in that House had many penalties to pay for that honour; and one of the greatest penalties that a Catholic Member of the House had to suffer, was to hear the wholesale libels, the unmitigated calumnies, the filthy abuse contained in such a speech. He (Mr. Reynolds) was anxious to have an opportunity of replying to that speech, and also to the speech of the right hon. Gentleman the Home Secretary. He was anxious to put his Catholic countrymen on their guard, and to tell them that there was now a party in power who, if they had sufficient strength, would repeal the Act of 1829, and again sound upon every Protestant steeple in the United Kingdom the tocsin of Protestant ascendancy. Now, that a general election was approaching, he wished that the people should be put on their guard against the insidious efforts that were made against them. He (Mr. Reynolds) spoke as a Catholic Member, and he should allow no Catholic Member to speak for him. Reference had been made to the hon. Member for the county of Limerick (Mr. Monsell), and he (Mr. Reynolds) begged to be specifically understood that he was not to be bound by his declaration. He had entered the House to hear the discussion, and should vote according to the dictates of his own conscience. He might vote probably for an inquiry—and he might not; but he would remind hon. Gentlemen over the way, who were so fond of borrowing a leaf from the book of a great deceased statesman—the right hon. Gentleman the Chancellor of the Exchequer, in his own eloquent (without meaning him the least offence) and plausible manner had done so —that there were three courses to be pursued. One course to be pursued was, to vote for the Motion; the next, to vote against it; and another, not to vote at all. He (Mr. Reynolds) was at liberty to adopt any one of the three courses. He would remind the hon. Gentleman the author of this intolerant, insulting, and impertinent Motion, of the truth of an old maxim—though the hon. Gentleman had arrived at the age of maturity, he (Mr. Reynolds) was not quite certain that he had arrived at the age of discretion—he would remind him of the maxim that "those who live in glass houses ought not to throw stones." He would remind them that there were other ecclesiastical institutions that ought to be inquired into. There was the United Church of England and Ireland, with her 600,000*l.* a year of tithe rent-charge, and one million of green acres, in a country where the Roman Catholics formed the majority of the ratepayers and taxpayers. There also might be an inquiry demanded into the *Regium Donum*, that was voted for the support of the Presbyterian clergy. He reserved to himself the right to speak more at length after the adjournment, which they had a right to demand, and he challenged. When the hon. Member for North Warwickshire (Mr. Spooner) addressed the House, he spoke from the Treasury bench, and he observed that the hon. Member had zealous bottle-holders. The hon. Member, in fact, was on the first step leading to office—he was a semiofficial person; so the Catholics might judge what they had to expect. Though there might be an object in appealing to certain constituencies of this country by bigoted harangues, he (Mr. Reynolds) and his friends were ready to abide by the verdict which would be pronounced by the great majority of the nation.

MR. HENRY DRUMMOND simply rose to say, that, although highly disapproving of the Motion, and of all the arguments by which it had been supported, he meant to vote for the adjournment. He was one of the few persons in that House who had served an apprenticeship with his noble Friend below him (Viscount Palmerston), as a listener to the dulness and bigotry of Dr. Duigenan. Having heard, for a long time, that impersonation of bigotry, he had not one word to say in his favour; but he would undertake to prove, when the debate was resumed, that a bigotry more fierce than that of Dr. Duigenan was now in full play in Ireland—a bigotry more fierce than that which had existed in the blackest times of Popery.

MR. KEOGH contended, that the opponents of the Motion were fairly entitled to an adjournment, because numbers of them had not yet spoken. He could not avoid remarking that a confusion and inconsistency of opinions without end seemed to prevail amongst the members of the Government. He had heard an hon. Gentleman connected with the Government state that this was an open question with the Administration; but he thought the opinion of the members of the Ministry should be manfully expressed. He hoped the House would allow him to say a few words in explanation of a personal matter. His hon. Friend near him (Mr. Osborne) had quoted some passages from a speech of the Chancellor of the Exchequer; and he understood that right hon. Gentleman to convey to the House that he was not only disposed to repudiate the sentiments he at that time expressed, but that the fact that he had ever uttered such opinions had entirely escaped his memory. Now, lest there should be any mistake upon the subject, he (Mr. Keogh) begged permission to read, from the authorised version of the Debates, the passages to which his hon. Friend had alluded. The present Chancellor of the Exchequer, speaking upon a Motion brought forward by the noble Member for the city of London (Lord J. Russell), and referring to agitation in Ireland, used these words:—

> "They heard a great deal of Reform Associations, of Anti-Corn-Law Leagues, Roman Catholic and Repeal Associations, Birmingham Unions, and other combinations of that kind. Now, those things were merely the consequence of the people taking the government of the country into their own hands because the Government would not administer matters themselves."—[3 *Hansard*, lxxii. 1016.]

Then, going on to ask what the Irish question really was, the right hon. Gentleman said—

> "He wanted to see a public man come forward and say what the Irish question was. One said it was a physical question; another, a spiritual. Now, it was the absence of the aristocracy; then, the absence of railroads. It was the Pope one day; potatoes the next. Let them consider Ireland as they would any other country similarly situated, in their closets. Then they would see a teeming population, which with reference to the cultivated soil, was denser to the square mile than that of China; created solely by agriculture, with none of those sources of wealth which are developed with civilisation; and sustained consequently upon the lowest conceivable diet, so that in case of failure they had no other means of subsistence upon which they could fall back. That dense population in extreme distress inhabited an island where there was an Established Church which was not their Church; and a territorial aristocracy, the richest of whom lived in distant capitals. Thus they had a starving population, an absentee aristocracy, and an alien Church, and, in addition, the weakest Executive in the world. That was the Irish question."

But the right hon. Gentleman did not stop there. He proceeded:—

> "What would hon. Gentleman say if they were reading of a country in that position? They would say at once, 'The remedy is revolution.' But the Irish could not have a revolution; and why? Because Ireland was connected with another and a more powerful country."

The right hon. Gentleman was perfectly candid, and followed all his propositions to their necessary conclusion; for he said—

> "Then, what was the consequence? The connexion with England thus became the cause of the present state of Ireland. If the connexion with England prevented a revolution, and a revolution were the only remedy, England, logically, was in the odious position of being the cause of all the misery in Ireland."

What, then, the right hon. Gentleman proceeded to ask, was the duty of an English Minister? The right hon. Gentleman was then engaged in hunting down a man who was a great English Minister—the right hon. Gentleman was then telling of "the Parliamentary middleman who bamboozled one party and plundered the other." The right hon. Gentleman was then calling on that House, above all other earthly duties, to put an end for ever to Parliamentary hypocrisy. He asked the House to stigmatise the hypocrisy which accused his hon. Friend (Mr. Osborne) of misrepresenting the sentiments of the right hon. Gentleman. But what were the final words?—

> "To effect by his policy all those changes which a revolution would do by force. That was the Irish question in its integrity. It was quite evident, to effect that, we must have an Executive in Ireland which should bear a much nearer relation to the leading classes and characters of the country than it did at present. There must be a much more comprehensive Executive, and then, having produced order, the rest was a question of time. There was no possible way by which the physical condition of the people could be improved by Act of Parliament. The moment they had a strong Executive, a just Administration, and ecclesiastical equality, they would have order in Ireland."

He (Mr. Keogh) would only put the moral to the tale which was drawn by the right hon. Gentleman himself, and address the right hon. Gentleman's words to the benches opposite, when he said that he was then advocating Tory principles, but "they were not the Tory principles of those who would associate Toryism with restricted commerce and with a continual assault on the liberty of the subject."

Question put, and *agreed to*:—Debate *adjourned* till *Wednesday*, 19th May.

The House adjourned at half after Twelve o'clock.

HOUSE OF COMMONS.

Wednesday, May 12, 1852.

MINUTES.] PUBLIC BILL.—2° Trustees Act Extension.

PAPER DUTY—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate upon Question (22nd April)—"That such financial arrangements ought to be made as will enable Parliament to dispense with the Duty on Paper."

Question again proposed.

Debate *resumed.*

MR. COWAN said, he had been a paper manufacturer for about thirty years. For the last twenty years he had endeavoured to the utmost to induce various Ministries to take the subject into their consideration, with a view of relieving paper manufacturers from the restrictions under which they suffered. He at once acknowledged that in Downing-street he was civilly received and courteously bowed out, but beyond that no progress whatever had been made. He hoped to have seen the right hon. Gentleman the Chancellor of the Exchequer in his place to-day, because the right hon. Gentleman supported a Motion of a similar kind when brought forward on a former occasion. Of late years a very considerable reduction had been made in the number of excisable articles; and paper was, he believed, the only article which could properly be termed a manufacture still subjected to an Excise duty. A very large number of individuals was employed in the manufacture of paper, which seemed to have been specially selected as the subject of harassing and vexatious restrictions. Not only were manufacturers of paper compelled to submit to a protracted survey, but it was required that every parcel of paper should bear upon it a label describing the weight, the name of the supervisor, the place of manufacture, and a variety of other details; and this process of labelling consumed a great deal of valuable time. He complained, also, of the delay which took place before paper could be removed after the inspection of the Excise officer. Formerly paper was allowed to be removed in twenty-four hours after the time at which the Excise officer commenced his survey; but an order was issued some twenty years ago providing that twenty-four hours should elapse after the officer had completed his survey before paper was allowed to be removed from the place of manufacture. The effect of this regulation was that a delay of two days took place before paper could be removed. There was something more than the mere remission of a vexatious and harassing impost sought for. He had not the slightest doubt but that if these restrictions were removed, a great and extraordinary impetus would be given to paper manufacture. Within the last year, however, the Board of Excise diminished this period of delay to ten or twelve hours. Now, did not this fact prove the evil of an irresponsible and arbitrary Board. If these restrictions were legal and proper, why were they remitted? If they were improper and illegal, why were they so long continued? If they were not necessary, why should a useful part of our manufactures be subjected to such grievous restrictions? He would wish to draw the attention of the House to a case which strongly illustrated this evil. He was acquainted with a paper manufactory in Gloucestershire, where the manufacturer had taken a contract for a peculiar kind of pasteboard for railway carriages. It was necessary that the manufacturer should procure the outer surfaces, of various colours, from a mill in another part of the country, not being able to make them in his own—in fact, the process of manufacture of the two articles was incompatible in the same establishment. The Board of Excise, however, interfered, and, though the manufacturer petitioned the Board, it was eleven months before his most just and reasonable request was acquiesced in. The consequence was, the man lost his contract, and a loss of 1,000*l.* was occasioned by these absurd and harassing technicalities of the Board of Excise. Before 1836, no paper manufacturer could make up his goods in any other shape than twenty quires of twenty-four sheets each to a ream. He remembered well that in his own case, having been applied to to send paper to South America, made up to suit that particular market, with different quantities in each ream or parcel—a period of three weeks elapsed before he could obtain permission to proceed, and then the permission was limited to the particular case. To show the grievous nature of those restrictions he would quote another instance. Straw was useful in the manufacture of what was termed loom cards. It came under the cognisance of the Committee of which the right hon. Member for Manchester (Mr. M. Gibson) was Chairman, that for any pattern of a Jacquard loom 100,000 of these cards was necessary, and the duty on cards for one pattern was no less than 22*l.* 18*s.* 4*d.* He knew there was an establishment at Paisley at which it was necessary to keep 1,000,000 cards in stock, and the proprietors were obliged upon that number to pay a duty of about 230*l.*, and a new supply of cards must be obtained whenever new patterns were required. There was another article—sewing thread—which he might mention, if it were for no other purpose than to show the extent of our trade. Vast quantities of this thread were exported to the United States of America. It was put up in little pasteboard boxes, weighing each a quarter of a pound; the paper that was actually required for each box was 1½ oz. One establishment in Glasgow used no less than three tons of these paper boxes per week, upon which a duty of forty-two guineas were paid, or fourteen guineas a ton. Enormous quantities of paper were likewise consumed in Birmingham, for cutlery, hardware, &c. One manufacturer there paid 1,000*l.* a year for paper alone, and was amerced in a duty of 300*l.* or 400*l.* a year, before he could send a single article to a foreign market. His hon. Friend the Member for Leicester (Mr. Harris) paid 3,000*l.* a year for paper for packing alone, and the duty upon it amounted to 1,000*l.* a year. Was this encouraging native industry? The expenses of collecting the Excise revenue had been calculated at six per cent; he was strongly inclined to believe that the collection of the paper duty *per se* cost much more; and he put it to the House whether, for the small sum that was raised from this duty, it was worth while to burden our home and foreign trade in this article with so onerous and vexatious a duty? He recollected that, twenty-five years ago, he was applied to by a gentleman from South America to produce a peculiar specimen of paper, largely used there for the manufacture of cigarettes, and he assured him that 100,000 reams of it would not be too much to send out at a time. One single operation might suffice to entitle the shipper to the drawback. The right hon. Baronet (Sir C. Wood) had introduced a Bill effecting various changes relative to British spirits, and he had taken great credit to himself for having done away with "the permit system." Under that system only one permit was required for each transaction; and he (Mr. Cowan) thought if the reasons which were urged for removing the system of permits were good, there were certainly much stronger reasons in favour of removing the excise duties which existed with regard to the manufacture of paper. The evil to which the paper manufacturers were subjected, was this system of long and dreary drudgery, which, in itself, ought to entitle them to obtain a repeal of the duty—a measure which would carry with it a repeal of all these objectionable restrictions. He held in his hand a very interesting book, entitled, *An Historical Sketch of the various Substances used in the Manufacture of Paper*. The work itself was composed of paper made from straw. It was published in the year 1800, and was dedicated to his late Majesty King George the Third. He might also mention that the latter pages of the work were on paper prepared from wood. He did not hesitate to say that, but for the crushing effect of this duty, the manufacture of paper in this country from straw would by this time have extended to a much greater degree. Paper made from straw was capable of being applied to many useful purposes. Straw could be bought generally at 2*l.* a ton, and he was told it could be obtained by the proprietors of the establishment to which he had before referred in Gloucestershire at 30*s.* a ton. But before any experiment could be made, the manufacturer had to pay to the Chancellor of the Exchequer a duty of fourteen guineas a ton, enormously decreasing thereby the ultimate success of the manufactured article in the market. Therefore, the experiment, in that case, was not so successful as it might otherwise have been, for the produce of the mill was sold at a great loss, and the project altogether was most disastrous. The right hon. Baronet (Sir C. Wood) had very properly repealed various duties, and amongst others, the duty on bricks. They all remembered the case of a very interesting people who were in bondage, and who were not allowed to make bricks without straw. The case of the paper manufacturers was very much the same, and he hoped that the right hon. Gentleman the present Chancellor of the Exchequer would imitate the example set by his predecessor, and repeal the duty on paper, whether made from rags, straw, or any other substance. Great interest was felt in Scotland on the subject of the growth of flax, which was an important branch of cultivation in the time of our ancestors. He had received a communication from a gentleman in Caithness, who not long ago wished to send him (Mr. Cowan) a large quantity of flax to be manufactured into paper. The fact was that the duty was the main obstacle, for before he could ascertain whether the transaction would be profitable, he would be liable to a heavy duty besides the value of the raw article. He hoped that the right hon. Gentleman the Chancellor of the Exchequer would take the proposition of the right hon. Gentleman (Mr. M. Gibson) into his consideration. He (Mr. Cowan) was not sorry, notwithstanding the present surplus, that no duties were to be repealed this year, for he did not think that a proper opportunity would be afforded to do justice to the various claimants. The object which his right hon. Friend (Mr. M. Gibson) had was not immediate relief. His object, as he (Mr. Cowan) understood it, was to convince the House that this tax, that these restrictions, must, in the opinion of the friends of native industry or of free trade, be viewed as equally impolitic and mischievous; and he hoped that the Government, by a Vote of that House, would be induced to take into consideration this duty—a question which, in some respects, must necessarily involve a revisal of our whole system of taxation. For himself, he must say, that he should be sorry to see it repealed at this moment; but, at the same time, he wished that the paper manufacturer should be put on the same footing, not a better footing, as the other great manufacturing branches of industry in the country. He found that when the right hon Member for Manchester brought forward, two years ago, a Motion similar to that now before the House, the present Chancellor of the Exchequer, referring to the existence of a surplus, expressed his opinion in these words:—

> "Could they, then, do better in the present state of the revenue, with the resources which they had at their command, than to assent to the first proposition of the right hon. Member for Manchester?"

That was a proposition to repeal the duty on paper. The right hon. Gentleman continued:—

> "In his opinion it was a prudent, a politic, and a beneficial Motion. Were they to be prevented, then, from assenting to a resolution so justified by circumstances, so beneficial in its character and its results, by the ensanguined phantom of a revolutionary republic being conjured up before them, or by the possible catastrophe of a change of Ministry dimly hinted at in the Delphic sentences? The House might be safely assured that they were not near any misfortune of the kind."—[3 *Hansard*, cx. 419.]

The right hon. Gentlemen seemed then to have possessed the gift of political second sight—a gift which he (Mr. Cowan) had thought was peculiar to his country; for he had seen looming in the distance the very catastrophe which had since occurred. He (Mr. Cowan) had been told by his brethren in the trade that he was doing that which was prejudicial to his own interests by advocating the repeal of this duty. It was said that repeal would induce other men to engage in the trade, and that a competition would be excited which would lessen the price of the article. If that were the case, still he must hold that he was not to allow private insterests to sway him on a question of a public nature, and that he was bound to consider only what was likely to conduce to the welfare of the people at large. It must be remarked that the expenses of this manufacture consisted almost *in toto* of the wages of labour; and he hoped that the House, with the view of increasing the demand for labour; would take steps to promote the extension of this trade to a greater degree, and for that purpose adopt the Motion of his right hon. Friend. He would merely add that the duty on cotton wool, of five-sixteenths of a penny per pound, was repealed by the late Sir Robert Peel six or seven years ago, and yet there still remained a duty of 3½*d.* per pound on the very debris of the cotton used at the mills of Manchester, which, in fact, was the material from which paper used by the great London newspapers was made. This was the last of the three Excise taxes which the Commission of 1833, of which Sir Henry Parnell was a member. had recommended should be repealed. The other two had been repealed, and, under these circumstances, he hoped that the House would now carry into effect the only remaining recommendation of that Commission.

Mr. GLADSTONE: Sir, I will not detain the House for many minutes on this subject, but there is one portion of it on which I am anxious to make a few remarks. As regards the duty on paper in general, I must say I shall be heartily glad when the time comes when it may be repealed. There is no doubt it is most imprudent for Members of Parliament, when they are under a strong impression of the disadvantages of a particular tax, to pledge themselves to its unconditional repeal; but I contend that we ought to have the whole case, and the whole state of the revenue before us, before we can enter on the discussion of questions of this kind; and for the present I hope it is clearly understood and intended by the House, that we shall rally round the right hon. Gentleman the Chancellor of the Exchequer on the present occasion, and, for the present year at any rate, steadily set our faces against any of these proposals for the remission of taxation. But it seems to me that there has been a number of interesting circumstances connected with the operation of the paper duty, and with the consumption of paper in the various branches of its demand and the market for its supply; and I think this is a question in the discussion of which the House may be usefully occupied at this moment. There is one branch of the paper manufacture which is no doubt of the utmost importance—I mean where it is employed in the packing of manufactured commodities—and so far as that is concerned, the question comes before us simply in the same category with those legislative reforms relating to the commerce of the country which this House has so lately entertained with so much favour. There is another branch which, as respects the consumption of paper in the production of printed periodicals—whether newspapers or not—is likewise most interesting and important. But there is a third branch to which I wish to draw attention, and to which I think less attention has been given in these discussions, I mean the consumption of paper in the printing and production of literary works. I hold it to be of great importance on all occasions that we should be on our guard against the throwing away of the public revenue for the benefit of interested combinations; and I trust that, not only at the present moment, but at a more propitious moment, when it may be in the power of the right hon. Chancellor of the Exchequer seriously to entertain the proposal for a reduction or a removal of the duty on paper, he will take into his view the state of the trades which are connected with the consumption of paper—in that branch of its consumption to which I now refer—and that, so far as the influence and operation of the Government can extend, or so far as the deliberations of this House can exercise an influence upon public opinion and upon the proceedings of trades, through the medium of this public opinion, he will take care that he does not give away the public revenue for the benefit and profit of individuals engaged in those particular trades. It is probably within the knowledge of many hon. Members whom I am now addressing, that there is at this moment a most important struggle in progress in the book trade. Most unfortunately a large number of persons engaged in the book trade in London and the country—some say using the publishers of books in London as their instruments, and others say, led on by the publishers—are attempting by restrictions, as I think, of a most imprudent and most unwarrantable character, to prevent the price of books, which is so enormously high, from being mitigated, even to the extent of a few shillings per cent, by the enterprise and energy of those among the retail traders who are disposed to give the public the advantage of that enterprise and energy. Now I think it would be very unjust at the present moment to bear hard on this body of publishers and booksellers, because, with a spirit which does them honour, they have consented to refer the question to the judgment and decision of some distinguished persons. At this moment Lord Campbell, with Mr. Grote, and the Dean of St. Paul's, are engaged in the investigation and consideration of this question; they have entered into an obligation to give judgment upon it, and to that judgment I believe the London traders in books are prepared to submit. I must confess I cannot much doubt what that judgment will be. The House should be made aware of the exact nature of the question. The publishers of books are in the habit of supplying the retail dealers of them at a fixed price, that fixed price being usually—with an exception in the case of wholesale purchasers—a discount of 25 per cent on the publishing price. The custom of the retail trader is not to grant the public who purchase, a greater discount than 10 per cent, leaving therefore 15 per cent to the retail trader. Some retail traders say, they can give a greater discount than 10 per cent to the public; but then this combination which has existed, steps in and says to the retail dealers, "You shall give no greater discount than 10 per cent, and if you do not enter into an engagement with us to that effect, we, by a combination among ourselves, will exclude you altogether from the trade in books; or, in other words, they say, "We will, in fact, utterly deprive you of the means of livelihood in the vocation to which you have devoted yourselves." Now this restriction is, in my view, a great evil. I do not at all pretend to compare the price of new books with the price of articles of bodily subsistence in regard to the question of urgency; but I say it is a great evil that the price of books should be raised above its natural and legitimate level; and I venture to say that the whole system of the bookselling trade in this country—except so far as it is partially mitigated by what are called cheap publications—is a disgrace to our present state of civilisation. This controversy is now going on between certain retail traders who, in my opinion, are deserving of great credit for the energy with which they have endeavoured to cope with what is but a part of a system. I wish the House was aware of the effects of this system in regard to the production and sale of books in this country. The truth is, monopoly and combination have been so long applied to the whole subject, that they have really gone near, if not to the extinction of the trade itself, to reduce the sale of books to its minimum. We are a country who have by far the largest educated class. [An Hon. MEMBER: America excepted.] I am speaking only of Europe; but even with regard to America, I should say we are a country who have the largest class of educated persons in the world—I mean educated in the sense of persons whose position and fortune ought to make them the largest purchasers of new publications. That class in this country is counted by twenties, by fifties—nay, I may almost say, by hundreds of thousands. Now what is the fact with regard to the state of the book market? It is, that with the exception of the works of certain highly-esteemed and distinguished authors—with the exception of such cases as Macaulay's *History of England*—what are called new publications, not only in a majority of cases, but in an enormous majority of cases, scarcely ever pass the sale of 500 copies. An immense proportion of those that are published do not pay their expenses at all; and I believe the number that passes the sale of 500 copies, with our enormous powers both for the production of books and for supplying the existing demand for them, is certainly not more than something like five per cent, or, at any rate, not more than from one-twentieth to one-tenth of the whole number that has been produced. What has been the consequence? The purchase of new publications is scarcely ever attempted by anybody. You go into the houses of your friends, and unless they buy books of which they are in professional want, or happen to be persons of extraordinary wealth, you don't find copies of new publications on their tables purchased by themselves, but you find something from the circulating library, or something from the book-club. And what are these book-clubs? Societies which are engaged at an enormous loss of time and waste of machinery in the distribution of books throughout the country. They are merely an ingenious expedient which, under the pressure of necessity, men have adopted to mitigate the monstrous evil of which they have had experience in the enormously high price of books, and at the same time to satisfy, in some degree, their own demand for that description of mental food. It is well the House should observe how, in cases of this kind, one system of combination generates and encourages another. It has been the practice of the book trade —I do not use the term offensively—to combine against the public. What has been the consequence? Why, that the printers combine against the book trade; and very naturally. If you ask a publisher what is the cause of the high price of books, he will say, "One reason is that the printers have entered into a combination against us." And is it not natural, if a journeyman printer sees publishers and booksellers combine against the public, for him to say, "I will step in and demand a share of the fruits." And so it is. I hold in my hand a communication which has reached me, and, I suppose, other Members, signed by two persons on behalf of the London Society of Compositors; and they say—

> "We draw your attention to the Motion of the Right Hon. T. M. Gibson for the repeal of the taxes on knowledge. We believe that these taxes present unnecessary obstacles against the spread of information among the people generally."

But is it or is it not the case that the London compositors, though they have such a genial sympathy with the Motion of the right hon. Gentleman (Mr. M. Gibson), and with the spread of information, have for some time been in strict combination together, and that the terms and effect of that combination are to raise the price of printing per sheet in London, Oxford, and Cambridge, and I believe in some other places, at least 25 or 30 per cent above the price at which they will execute it elsewhere? Now I hope, whenever the Chancellor of the Exchequer may be in a condition to propose to the House a remission of the duties on paper, these matters may be well looked into, and that we shall take care that the public revenue is not given away for the purpose of facilitating or promoting the extension of those combinations. The Government can no doubt do a great deal for the removal of these immense evils; not so individuals. If a particular person who has a work to publish says, "I will fix the price of this work at one-half the ordinary charge," he merely makes a victim of himself without in the slightest degree affecting the state of the market, or without acting sensibly on the demand for his own book. The book societies and circulating libraries are not sensibly affected by the price of the book being more or less; and consequently the natural healthy play which ought to regulate the price which the books ought to fetch, and the price of books in general—the operation of those principles is totally intercepted by this system, which has been so long in action. The Government, I think, for many years, have been endeavouring to do something towards promoting the book trade in England. For many years they have been negotiating with foreign countries, with a view to the prevention of piracy in books abroad. I had the satisfaction when I was at the Board of Trade, in conjunction with the hon. Member for Glasgow (Mr. Macgregor), to conduct negotiations with Prussia, and of handing them over to my successor (Lord Dalhousie), who was able to put his hand to the first treaty for international copyright. Since that time there has been a similar treaty with France, and treaties have also been entered into with other parts of Germany. That is most important to the book trade of England, because, undoubtedly, the sale of piratical publications is most injurious to it, for, by narrowing the market, it tends to force an elevation in the price of books printed in this country. But if, by means of the influence of the State, we have opened the foreign market to the English book trade, I think we have a right to expect of those who are engaged in that trade that they will produce books on reasonable and moderate terms, with the view of supplying that demand. The case of our Colonies is very remarkable. We attempted to vindicate the rights of British authors in our Colonies; but owing to the monstrous price at which books were sold, the grievance was so oppressive, that I believe it has been found necessary to relax the law which prevented the admission of piratical publications into the Colonies. I don't believe there is any article for which the public are called on to pay a price so high, in comparison with the actual cost of production, as books; and even that actual cost of production is not a proper standard, because that cost is more enormously enhanced than in any other trade, by the restrictive nature of the trade, and the narrowness of the circle of demand. I do believe in this country we have the greatest facilities for the production of cheap books. That is quite plain from the efforts that have been made, even under the disadvantages of the paper duty, by enterprising and successful publishers; and I believe we can now produce—quality considered—as cheap as any other country in the world. I firmly believe, also, if the finances of the State will permit you to resign the paper duty, you ought to be the cheapest producers of books in the world. And so likewise, as to the scope of the market, you have the materials for a large demand; and the state of facts ought to be, that books ought to be cheaper in this country, and the sale larger, than in any other; but the state of facts now is, so far as new publications are concerned, that the demand is narrower and the price of books is higher here than in any other country. I hope the House will forgive me for drawing attention to this very important and interesting question. I am glad to see that the influence and good sense of public opinion have so far acted on that intelligent and respectable body of men, the London publishers, as to induce them to refer this matter to arbitration; and I trust, when that combination breaks down, all other combinations will break down also. I hope that the sentiments expressed here will act most potently, not only on the opinion of the Government, but also through public opinion on the book trade; and I trust, ere long, we shall see those circumstances to which I have alluded altogether abolished, for they are a scandal to the country.

Sir WILLIAM CLAY said, he did not wish the debate to turn wholly upon the first of the three Resolutions of his right hon. Friend (Mr. M. Gibson), that for the repeal of the paper duty; he thought the strength of the case, at least with reference to immediate legislative action, lay in the other two—for the repeal of the newspaper stamp and the advertisement duty, and he would suggest that it would be well not to divide on the first Resolution, the decision upon which would not be a just indication of the feeling of the House, but would be influenced by reasons apart from the real merits of the case. There were, indeed, very strong reasons for taking off the duty on paper; but that might be said of many other, and especially of Excise duties in general. When, too, the paper duty was classed in the Resolutions with the rest of the "taxes on knowledge," it must be recollected that a large proportion of the paper made was not used for the diffusion of knowledge, but in manufactures, or packing manufactured articles for exportation. Then, again, the House should not express on opinion upon the paper duty, if (which he believed) the Government could not fairly be expected to proceed to act upon it in the present state of the revenue. The paper duty should be one of the first duties taken into consideration with a view to reduction; but it ought to be considered fairly with reference to other duties, and upon a general view of finance. These reasons for doubt or hesitation did not exist with reference to the other two duties—on newspapers and on advertisements; the Resolution as to them might fairly be pressed, nor could he see why they should not be repealed. If the newspaper duty were removed, a moderate postage duty would probably, in a very great degree, supply the loss to the revenue; and the extreme doubt as to the law with regard to the question "what was a newspaper?" would warrant the House in incurring a much greater risk of loss. He thought no man connected with the newspaper press had given any clear or intelligible definition of the rules which should guide the Stamp-office authorities in imposing or declining to impose the stamp duty on periodical publications. With regard to the tax on advertisements, the only difficulty in advocating its repeal was to choose among the arguments that presented themselves to one's mind. One of the very ablest men he had ever known once told him that he always made it his business to read first the reports of legal proceedings in newspapers, because they reflected the actual state of the jurisprudence of the country, and secondly the advertisements, for they gave a more accurate idea of the actual progress and character of the country than almost any other thing. It was impossible to doubt that the taking off the duty would increase the number of advertisements, and extend the circulation of the London newspapers. No one could doubt the great ability manifest in the leading articles in the *Times*, or its admirable arrangements for the collection and prompt diffusion of news from all parts of the world; but if you went into the shops and warehouses and counting-houses of men of all shades of political opinion, and asked them why they took the *Times*, you would find them all concur in one reason. After paying a just compliment to its talent, they would tell you—Whig, Tory, and Radical—that it was indispensable to them to take in a paper in which they found such a vast amount of information as was supplied in its advertisements. He would repeat that the repeal of the advertisement duty would increase the circulation of newspapers and the spread of information; it had been said that he would be a very well-informed man who should every day diligently read several of the daily papers. A friend of his, just returned from America, after a tour in some of its wildest portions, told him that in a log hut on the very borders of the primæval forest, he had found persons, in more than one instance, better informed with regard to the Great Exhibition, and the character of the articles exhibited, and number of persons attending, than would be found in most provincial towns of England, or perhaps in many houses of the lower class in London.

Mr. MOWATT said, that, knowing that it took many years, and required a constant repetition of the facts and arguments in each case to obtain from Parliament the removal of evils, however gross, he was not sorry that the debate had been adjourned on a former occasion to the present day, as the subject had thereby been brought a second time under the consideration of the House. But it was for the right hon. Gentleman the Chancellor of the Exchequer to explain the motives that had induced him, on the occasion referred to, to suggest an adjournment of the case, and to represent—as he had then done—that, on the eve of the introduction of the Budget for the year, it would not be advisable that the House should express any opinion on the subject. It was now clear that that suggestion of delay had not been made with any *bonâ fide* intention of redressing the grievances complained of. The Motion before the House touched, perhaps, two of the most important questions of the age—the education and the employment of the people. We all professed to be anxious for the education of the people; and we gave 150,000*l.* of the public money towards this desirable object; but, at the same moment, we, with the grossest inconsistency, took from them no less a sum than 1,400,000*l.* through the medium of these very taxes, and thus impeded to a much greater extent than, by our contributions, we advanced the diffusion of knowledge. It must not be supposed, however, that the mere amount of money that we thus took from the people was the measure of the evil inflicted on society at large by the operation of the taxes in question. Far from it. What the country wanted, however, as a primary step, before we could do anything that deserved the name of education, by which the mass of the people might be raised from the heathenish and brutal state of ignorance in which they unhappily now were, was to get rid of these most impolitic and oppressive exactions on the part of the State. Why, as an instance of the working of these duties, he would mention the case of *Chambers's Miscellany.* The Messrs. Chambers, of Edinburgh—those great instructors of the people—stated that some few years back they commenced the publication of the work known as their *Miscellany*, and, notwithstanding the proverbial difficulties in the way of the establishment of a new periodical, succeeded in bringing it into very general circulation; but, owing to the onerous effect of the paper duty, it did not, however, afford them any remuneration for their labour, and, after struggling on with the work until it attained the enormous circulation of 80,000 numbers per week, they were ultimately obliged to abandon it from this cause: so destructive was this apparently insignificant excise of three-halfpence the pound weight of paper on low-priced publications of this character. In like manner Mr. C. Knight, the well-known publisher, in a pamphlet, entitled *The Struggles of a Work against Excessive Taxation,* had shown that he had paid to the revenue the enormous sum of 32,000*l.* as paper duty on one single book, the *Penny Cyclopædia,* and that in consequence he obtained no return from the sale of the work, although it passed through several editions, and was in great demand, but at last was obliged to give up the issue of it. He (Mr. Mowatt) would ask the House, were these two instances not lamentable proofs of the injurious effects, moral and social, as well as economical, resulting from these barbarous and bygone modes of raising the public revenue? Again, he would refer the House to the interesting facts alluded to by the hon. Member for Edinburgh (Mr. Cowan), himself largely engaged in the production of paper, showing the additional difficulties which this duty placed in the way of extending the manufacture, and of so affording increased employment to the population. It appeared that a single house in Glasgow in the thread trade actually paid to the Government fifty guineas per week, or 2,725*l.* 10*s.* per annum, as duty on the paper used by them in the form of small boxes made to contain a certain number each of reels of thread, packed separately from each other. Just let the House reflect that if, in defiance of such a duty as this, such a large consumption of the coarser sorts of paper took place for these purposes, how immensely the use of it would be increased, and, with it, additional employment for the people found, should the duty be abolished. In France, and particularly in Paris, it was well known that tens of thousands of people obtained a livelihood in the fabrication of ornamental boxes and fancy packages of all kinds, made from paper, considerable portions of which were now forwarded—conveying goods—to this country; and from this profitable mode of supporting themselves, the inhabitants of Great Britain were debarred by this suicidal duty on the raw material. Hon. Gentlemen opposite, who had been lately engaged in endeavouring to resuscitate "Protection societies," were most inconsistent in their conduct, when, in raising the cry that native industry was unprotected, they sanctioned such a gross interference with native products as the tax now under discussion involved. The House should observe, too, how this odious tax operated against our manufactures in other respects. Thanks to this clog on ourselves, the Americans actually purchased the cotton rags, scraps, and waste from our own mills, carried them across the Atlantic, and—there free from all taxation—manufactured them into paper, which they subsequently carried to our Colonies, and there sold at so low a price, that, although our own proper markets, we could not compete with them. Of the stamp on newspapers, he (Mr. Mowatt) must take leave to say, that the reason, the justification, assigned for it, was evidently without foundation—was absurd, if not wholly fabulous. Taking the whole of the amount obtained by it, after allowing for the loss of postage incident to its operation, it was, as an item of the revenue of this country, altogether insignificant when compared with the mischief and obstruction to the information of the people occasioned by it. Why, was it not well known that this tax was originally imposed not with the slightest view to the purposes of revenue, but simply and avowedly with the object of checking the circulation of newspapers, under the statesmanlike idea that they had a tendency to demoralise and deprave their readers. There could be no doubt that this stamp or tax acted in the way of increasing the difficulculties of establishing a newspaper, and in maintaining it, by making a larger amount of capital necessary than would otherwise be required for the undertaking, and so tended to create a monopoly in favour of those papers already existing. With respect, then, to the advertisement duty, what, he (Mr. Mowatt) would ask, could be more cruel and unjust, as well as impolitic, than to throw additional difficulties in the way of people struggling for their daily bread, making known their wants to those who could supply them, and in like manner thus shutting out one of the most ready and available means both to employers and the employed, of making known their reciprocal dependence on one another; and all this wrong and cruelty inflicted merely to put the paltry sum of 130,000*l.* annually into the Exchequer. The reason he had for continuing these most obnoxious imposts, he (Mr. Mowatt) thought was a most lame and impotent one: it was simply that the revenue could not bear the loss of them. In his view of the case, that might be a ground for putting on some other tax to make up the deficiency that might arise from their removal; but it was no argument for continuing duties that were on all hands admitted to be of the very worst character that could be devised—comparatively unproductive to the State, and to the last degree injurious to the people. As to the alarm expressed by the Government, lest by the abolition of these taxes there should be a deficiency in the revenue, he (Mr. Mowatt) thought but little importance need be attached to that apprehension. The danger of a deficiency was too often made a bugbear of to that House when disposed to redress some of the crying evils of our present fiscal system. For his part, a possible or probable deficiency had no such terrors for him. He knew well that if such should arise, there would be no difficulty whatever in making such deficit good again directly. He believed, however, that it was from no apprehensions on this score that those in office were disinclined to take off these hateful imposts. There had not yet been a sufficient pressure brought upon them from without to induce earnest attention to the grievances with the view of removing them. The classes most directly interested in their removal had no influence, and were powerless in that House: hence the indifference of the successive Governments to the subject. While on the subject of taxation, he (Mr. Mowatt) would take that opportunity of making a passing remark on the famous budget of the right hon. Gentleman the new Chancellor of the Exchequer. It had been lauded to the skies as a masterpiece of financial divination; but for his part he could see nothing in it but what he was indebted entirely to his predecessors for, while it was defective in the greatest virtue a budget could have—it provided for no reduction whatever in the taxation of the country. In this respect it was decidedly inferior to that of the right hon. Baronet who immediately preceded him. In fact, the said budget was at best but a stand-still-and-do-nothing budget. It was but a poor copy of the schemes of those who went before the right hon. Gentleman—a copy of their defects, with the best part omitted. The satisfaction of the House arose simply from its having expected something much worse—something much more retrogressive, and it was therefore agreeably surprised with the reality, poor as it was. It was, however, well worthy of remark that the right hon. Gentleman had himself, and so far as in him lay, set the seal to the free-trade policy of the late Government, by the budget he had now introduced. He had by this act thoroughly identified himself with, and demonstrated the soundness of, their commercial policy—of that very policy, of that very financial system, which he had all along denounced, and exhausted our language in vilifying when in opposition. But now in office, and adopting the principles he had so long descried, he had neither the courage nor the candour to say that he had been wrong—that he had been mistaken, nor that he would carry out to its legitimate conclusions the policy he had virtually taken up. He seemed to prefer indulging in vague language; now holding out expectations of advantage to one interest, and then to another, and so misleading all alike. Having, as was now apparent, had no *bonâ fide* intention of relieving the country of any of the taxes now under discussion, he (Mr. Mowatt) thought the right hon. Gentleman had been wholly unjustified in advising the previous adjournment of the debate. He should vote cordially for the respective Resolutions.

Mr. REYNOLDS said, he should support the Resolutions, and in doing so he wished to caution the right hon. Member for Manchester (Mr. M. Gibson) against taking the advice of the hon. Member for the Tower Hamlets (Sir W. Clay), not to divide on the first proposition—namely, the repeal of the paper duty. That was the most valuable; it would emancipate labour, add to the employment of the people, and prove the means of relieving the pressure of distress. They could not well educate the hungry. The paper duty was a war tax, introduced in 1711 by Sir Robert Walpole. As an Irish representative, he (Mr. Reynolds) complained of the continuance of that duty. Until the year 1798 there was no such tax in Ireland. In 1798 a tax was imposed on the machinery employed in the manufacture. Ireland having been politically married, by a sort of forcible abduction in 1824, a charge of 3*d.* per lb. was imposed on paper of a superior quality, and 1½*d.* per pound on the inferior kinds. A Commission appointed in 1834 to inquire into the policy of continuing the duties on leather, glass, and paper, reported that they ought to be repealed; the duties on the two former articles were repealed, and the duty on the finer qualities of paper was reduced to 1½*d.* per lb. He asked the right hon. the Chancellor of the Exchequer (who had put him off, as the organ of the Irish distillers, with a mouthful of moonshine, by saying his questions could not be answered till the Budget) how the policy of continuing to charge 70 per cent *ad valorem* on the conversion of rags into paper could be justified, when the right hon. Gentleman permitted the Manchester manufacturer of cotton to convert cotton into every imaginable kind of fabric without a duty at all, and the woollen manufacturers of Yorkshire to convert wool into all kinds of woollen manufactures also without a duty? He had a peculiar right to speak upon the subject, because he believed that no part of the United Kingdom would profit so much by the remission of these duties as Ireland. No doubt a reason for this had occurred to hon. Gentlemen (though they were too courteous to express it), namely, that Ireland was so well supplied with the raw material—rags. That, however, was not the case, for the Irish manufacturers were already obliged to import large quantities of rags from Germany; but what he meant was, the least valuable part of the country, namely, the bogs, and the least valuable portion even of the bogs, namely, the fibrous surface of the red bog, supplied an excellent material for brown paper. He had also seen specimens of the best kind of foolscap made of straw; and the refuse of flax, which at present was only waste, and a nuisance, was also available for purposes of manufacture. The sole reason why these things were not extensively used was the existence of the Excise duty. Another reason why the repeal of the paper duty should have precedence over the other concessions demanded, was the comparative difficulty and expense of their collection. The advertisement duty and the stamp duty were collected at a very trifling cost; but in England the expense of collecting the paper duty was 12 per cent, and in Ireland 20 per cent. The results that would flow from the repeal of this obnoxious impost might be gathered from the effects that had followed its modification in 1837. In that year, the quantity of paper manufactured in Ireland was 3,248,182 lbs.; but in 1849 it had increased to 6,500,000 lbs. In England the quantity of paper manufactured in 1847 was 77,000,000 lbs.; in 1849, 127,000,000 lbs. He also claimed the repeal of the paper duty as an act of justice to the people of Ireland. He had always rejoiced at the adoption of our free-trade policy; but he could not shut his eyes to the fact that it had materially injured many classes of the Irish people, and particularly the corn millers. The Thames and Mersey had been opened for the reception of food from all countries, and Ireland had received no equivalent benefit on the repeal of the Corn Laws. But the superiority of French grain and of French milling had put the Irish millers idle ; and he asked the House to grant this small pittance of justice. He asked them to let the Irish flour-miller apply his mill, on which in some instances 50,000*l*. had been expended, to the conversion of the peat of the bogs into paper. He asked relief for interests which were paralysed. The amount of the duty received in Ireland was a mere bagatelle, totally unworthy of consideration, and a large portion was swallowed up by the expense of collection and of keeping a staff of excisemen to watch the different mills. In 1840 the sum received was only 23,160*l*. ; in 1843, 30,995*l*.; in 1846, 38,559*l*.; and in 1849, 41,163*l*. There were only forty-six manufacturers, and of these no fewer than thirty-two had been convicted of offences against the Excise laws. To show the importance of this trade in Ireland, he would only add that he had presented petitions in favour of the removal of the duty, signed by 1,219 persons employed in the different mills in the county of Dublin alone, and one petition from the city of Dublin, signed by above 20,000 persons. In conclusion, he hoped the right hon. Chancellor of the Exchequer would answer the question he had already put to him, namely, how he could justify his permitting every process of converting raw materials into manufactured articles to be untaxed, with the sole exception of the converting rags into paper, and of tallow into soap? While claiming, therefore, that the paper duties should be first repealed, he was quite favourable to the abolition of the advertisement duty; but he considerably doubted the propriety of discontinuing the penny stamp.

Mr. J. L. RICARDO hoped his right hon. Friend the Member for Manchester (Mr. M. Gibson) would not withdraw any part of his Motion, for he did not consider that the Budget of the Chancellor of the Exchequer showed that the repeal of these taxes could not be afforded. The right hon. Gentleman had most ingeniously, to serve his own purposes, made the surplus appear as small as possible; but he (Mr. Ricardo) was of opinion that the surplus would be quite sufficient to meet the deficiency that would be occasioned by the repeal of these duties. When he considered that paper was the raw material of a manufactured article, he believed it was necessary, in order to carry out the great commercial system which the right hon. Gentleman the Chancellor of the Exchequer had proved to be so successful, that the tax should be taken off paper equally as much as off cotton itself. But he rose principally for the purpose of pointing out to the Government the necessity of affording some relief to the hon. and learned Attorney General, for it was quite impossible for any law officer of the Crown to be in a greater strait than the hon. and learned Gentleman was in respect to the stamp duties upon newspapers. The papers were upon a sort of sliding scale. There was a stamp on the daily papers, and, as the weekly papers interfered with the daily, it was but fair that the weekly should be stamped; then came the fortnightly, which interfered with the weekly, they therefore were stamped; but Government had recently found that there were monthly papers which interfered with all the rest, and it therefore was held to be only fair that the monthly should be stamped also, and they had accordingly dug out a clause from an old Act of Parliament—the 60th *Geo*. III., for the purpose of carrying out this new discovery. But that Act was not passed with any reference to revenue at all. It had nothing to do with the Stamp Duties. It was one of the famous Six Acts, and had no other object than the repression of the liberty of the press. The hon. and learned Attorney General, however, had found that even that Act would not answer his purpose; the consequence was, that the threatened prosecutions against the proprietors of these monthly publications were suspended. He wished to ask the hon. and learned Attorney General, whether he really meant to prosecute those parties or not? If he did, there was no reason why he should not prosecute the publishers of quarterly publications. Nay, if he insisted on having monthly publications stamped, there was no reason why a stamp should not be imposed on the publication of the *History of England*. He would repeat the question—did the hon. and learned Gentleman intend to prosecute these monthly publications, or not? [The ATTORNEY GENERAL: I do.] It had been his (Mr. Ricardo's impression that the hon. and learned Attorney General had said that he did not intend to prosecute monthly publications; but having been informed by hon. Gentlemen around him of the mistake he had fallen into, he would beg to call the attention of the House to some circumstances connected with that description of publications. A gentleman of the name of Clark commenced the publication of a paper at Wisbeach, and issued it without a stamp. The Solicitor of the Stamp Office wrote and informed him, that if he continued to publish it without a stamp, he would be prosecuted. Alarmed at a prosecution in which, even if successful, he would have had to pay his own costs—for the Crown received costs although it did not pay them—Mr. Clark had his paper stamped. A publication called the *Stoke-upon-Trent Monthly Narrative of Current Events* was advertised to be published without a stamp: the publisher communicated that fact to the Government, and asked whether he was himself really obliged to publish with a stamp. The Solicitor of the Stamp Office immediately replied, informing him, that if he issued his paper without a stamp, he would be prosecuted. His (Mr. Ricardo's) constituent (Mr. George Turner) was not, however, so nervous as the gentleman of Wisbeach, and he wrote to Mr. Timm, the Solicitor of Stamps, referring him to his (Mr. Turner's) solicitor. The solicitor of Mr. Turner wrote to Mr. Timm, saying that he was instructed to receive any process which might be issued against his client. Mr. Timm, in reply, stated that he had received no instructions upon the matter. Now, could there, he would ask, be an act of greater tyranny and oppression than this? Here was a man who, having his capital invested in a publication, was threatened by the law officer of the Crown with a prosecution unless he discontinued that publication; and when that man alleged that he had not disobeyed the law, and was prepared to prove it, the law officer refrained from prosecuting, leaving him and hundreds of others in the unpleasant alternative of withdrawing their capital, or of having it invested in a business which it was illegal to carry on. He hoped the hon. and learned Gentleman would take notice of the statement which he (Mr. Ricardo) had now made. There was another question which he would put distinctly to the hon. and learned Gentleman, and it was this—Did he intend to prosecute the proprietors of the *Art Journal*, the *Musical Times*, *Tait's Edinburgh Magazine*, the *Evangelical Magazine*, and several others of a similar character—all monthly journals, and published exactly under the same circumstances as the *Household Narrative?* Then there were the weekly journals, such as the *Friend of the People*, *Kidd's Expositor*, the *Athenæum*, the *Literary Gazette*, the *Lancet*, the *Legal Observer*, and last, but not least, our friend *Punch*, who also was very fond of alluding to current events? He hoped the hon. and learned Gentleman would give him an explicit answer to this question, in order that all those who were interested in the publications he had named, and others, might know whether they were to undergo prosecutions from the Government or not.

The ATTORNEY GENERAL said, he would endeavour to answer the questions put to him by the hon. Gentleman who had just resumed his seat, but at the same time he extremely regretted that he should have been so entirely misunderstood. In the first place, he did not think the hon. Gentleman understood precisely what were the duties of the law officers of the Crown. When the hon. Gentleman asked him whether he purposed prosecuting the proprietors of certain newspaper publications, he appeared to suppose that the Attorney General instituted proceedings whenever he found any paper unstamped, or considered that there were other grounds for prosecution; whereas the course pursued was this: If the Stamp Office found that there was a publication issued without a stamp, which they thought ought to be subjected to a duty, they instituted proceedings against the parties, and that, very frequently, without any communication with the law officers of the Crown, who would know nothing whatever of the proceedings until the briefs were placed in their hands for the purpose of conducting the prosecution before the Court. Where any doubt existed as to the liability of the parties, the opinions of the law officers of the Crown might be asked; but it rarely happened that their opinions were consulted before the matter was ripe for trial. With regard to the proceedings in the case of the *Household Narrative*, the hon. Gentleman said that the law officers of the Crown had dug up a clause in an obsolete Act of Parliament for the purpose of prosecution. Now, in the first place, he had to observe that these proceedings were instituted by his predecessor in office, and not by him; but, in saying that, he meant no reflection on his predecessor, because he thought he should have done precisely what his hon. and learned Friend had done. If his opinion had been asked whether the question should be brought into a Court of Law, he should have been of opinion that it was desirable to have the law on the question settled. Proceedings having been instituted against the *Household Narrative*—which was considered, probably, the representative of a class of publications—it was arranged that the facts necessary to raise the question of law should be turned into a special case. He (the Attorney General), of course knew nothing whatever of the terms which were arranged ; but, inasmuch as a special case was framed in order to obtain the opinion of the Court, it was impossible, whatever the judgment of the Court might have been, to carry the case any further. The Judges were divided in opinion upon the subject; but the majority were of opinion that the *Household Narrative* was not liable to a stamp duty : Mr. Baron Parke, however, was of a different opinion. When he (the Attorney General) came into office, the opinions of his predecessors and of the present Mr. Justice Crompton, were placed before him for his opinion as to what was proper to be done under the circumstances, they being of opinion that the judgment of Mr. Baron Parke was one which was more satisfactory to their view of the case, than the opposite judgment of the majority of the Court. Now, if he (the Attorney General) had not himself entertained some doubt upon the subject, he confessed he should have been considerably influenced by the opinion of his predecessors, and should have felt it his duty not to leave the law in so unsatisfactory a state as that of having the opinion of the law officers opposed to a judgment pronounced by a Court of Law without the possibility of taking the opinion of a Superior Court upon it. In answer to a question put by the right hon. Gentleman the Member for Manchester, he (the Attorney General) at an early period of his coming into office, stated that it would be necessary to obtain, if we could, the opinion of a Superior Court upon the question; and that he did not wish the law to remain in so unsettled and unsatisfactory a state. There had been a misunderstanding as to the course which it would be necessary to adopt. It was supposed that he would carry the case of Mr. Dickens to a Court of Appeal, whereas the nature of the proceedings rendered it impossible for him to do so. What he proposed to do was to institute another prosecution ; and he distinctly stated that the Court of Exchequer would, in that new case, of course, and without argument, confirm the judgment it had already pronounced, and then that that judgment would as speedily as possible be taken to a Court of Error, in order to have a final decision upon the subject. The hon. Gentleman (Mr. Ricardo) had put the question to him over and over again, as if he (the Attorney General) were afraid of answering it, as to what was the course he intended to pursue. He begged distinctly to say that the course which he pointed out as the one which he should adopt had been already pursued; that another information had been filed; that that information would result in a special verdict, which was distinct from a special case, a special case terminating in the Court where it was decided, while a special verdict admitted of an appeal. To show how extremely desirous they were to have the question fairly raised and disposed of, there being some dispute as to the terms in which the special verdict should be drawn up, it had been arranged between the junior counsel for the Crown and the counsel on the part of the defendants, that Mr. Baron Martin should settle the terms of the special verdict, he being one of the Judges who decided in favour of the defendants. With respect to the case mentioned by the hon. Member for Stoke-upon-Trent (Mr. Ricardo), he (the Attorney General) assured the hon. Gentleman that he never heard one word about it until it was alluded to by the hon. Member for Montrose (Mr. Hume). With regard to the question of costs, that, he admitted, was one of very great importance. The hon. Gentleman was not perfectly correct in stating that the Crown received costs, but never paid them. The Crown never received nor paid costs. But in was a subject which had not escaped his attention. He had been very anxious about it for a considerable time, and was particularly desirous that in cases of this description the defendants should be protected in the matter of costs. He was extremely desirous of introducing some measure which would give the defendant costs where the verdict should be in his favour. With regard to the whole matter, he would conclude by saying that he had in this case followed the course of his predecessors. He did not wish to shrink from any responsibility which attached to him. He had done that which he was sure his predecessors, if they had been his successors, would have done, and had adopted the course which he considered the best, with a view to obtain a satisfactory decision on the law bearing on this very important question.

MR. MACGREGOR said, he was not in favour of touching at present the 993,000*l.* produced by the taxes affected by the Motion. The right hon. Chancellor of the Exchequer would do well to consider them with a view to repealing them; but he was of opinion our whole system of taxation, together with the Income and Property Tax, must be considered, in order to putting them on a new basis. He believed a reduction of these taxes would increase the aggregate amount produced, and certainly their abolition would double the amount of paper produced. This was the only country in the world where a tax upon paper was levied.

MR. HUME said, he wished to remind the House that the question was not that they should immediately repeal the Paper Duty, but that financial arrangements ought to be made which would enable Parliament hereafter to dispense with that duty. The next proposition was, that the newspaper duty ought to be abolished. The Chancellor of the Exchequer had shown a balance in hand of 460,000*l.* What he (Mr. Hume) proposed to do with that balance was to repeal the Advertisement Duty, not the duty on paper, nor even the Stamp Duty on newspapers, because he would transfer that latter duty by making it a postage charge. How did the right hon. Chancellor of the Exchequer, however, propose to appropriate the surplus? Why, by paying a bounty to 80,000 militiamen. That was an appropriation of which he (Mr. Hume) did not approve. There were about sixty papers now published, with or without stamps—that is, they were stamped if intended for the country. They were not stamped if intended for local circulation. He was prepared to show that the increased amount derivable from the revenue, if a stamp were put on all papers going by post, would enable the duty to be reduced without any great loss to the revenue. There could not be a more unfair tax than that levied upon advertisements. It was perfectly unequal in its operation. It was as heavy upon the poor man as upon the rich. Upon this latter proposition he wished to have an immediate division, so that the question might be set at rest. He regarded these Paper Duties and Stamp Duties as taxes upon knowledge, the effect of which was to deprive the people of the means of promoting education. They had but 2,000,000 of advertisements in our papers, as opposed to 10,000,000 or 12,000,000 advertisements in the United States; but he was satisfied, if there was an alteration in the duties, the advertisements in our papers would be trebled or quadrupled. Considering newspapers as the best possible instructors, he would be sorry to see any restriction placed on their circulation. In the United States every log-cabin had its paper full of various matters of news or instruction, and sold for one cent each. In the United States there were about sixteen newspapers published to every man, woman, and child. In England there was only one paper for every twelve. If the right hon. Chancellor of the Exchequer would only risk 600,000*l.*, he would find that in the end the revenue would not lose. He could tell him there were at this moment persons ready to embark 20,000*l.* in a daily newspaper to be circulated throughout the whole country, at a very low price (only one halfpenny), and to have the same amount of talent to furnish political, historical, and general information, as any of the existing papers. The right hon. Gentleman (the Chancellor of the Exchequer) having had so much to do with literary matters, the country expected he would be the first to patronise the spread of literature; and he (Mr. Hume) was satisfied, if he, as Chancellor of the Exchequer, agreed to the change, he would lose nothing by it.

MR. KER SEYMER said, he was opposed to all Excise duties whatever, and particularly to the Paper Duty, as fettering native industry and interfering with the circulation of cheap publications, which he would like to see diffused among the people. Still, as he had voted on a former occasion for the right hon. Gentleman (Mr. M. Gibson), he thought it fair to tell him he could not support the present Motion; not that he was prepared to vote black was white, according as his friends sat at this or at that side of the House, but because he thought, by the cheers of hon. Gentlemen opposite, they were content the whole question of direct taxation should be left to a future Parliament. In the present state of the Kafir war, no one could say what the financial condition of the country would be, and therefore he opposed the Motion.

MR. WAKLEY said, he thought that the hon. Member, if not about to vote black was white, was going to do something very like it. When Lord John Russell was in office the hon. Gentleman said Yes to this Motion; and now, Lord Derby being in office, he said No. If that was not voting black white, he was unable to give it a name. The Motion did not pledge the House to any immediate arrangement; it was simply an affirmative proposition. Out of doors great anxiety was expressed upon this subject. It was anticipated that a literary man holding so high a position as the right hon. Gentleman the Chancellor of the Exchequer would have looked at this question with an earnest desire to remove every obstacle from the education of the people. The House and the country were left completely in the dark as to the intentions of the Government. He thought that the conduct of those in authority was extremely reprehensible in renewing the prosecution against the *Household Narrative*. Instead of expressing their gratitude to the man who amused and instructed the people of this country, he was selected by the Government for punishment. Instead of giving him the benefit of the doubt, he was now to be driven into a Court of Error. There was no doubt upon the minds of the jury, there was no doubt upon the minds of the Judges. And who was this man selected for persecution—he could not call it prosecution? Charles Dickens. He thought that the author of *Vivian Grey* ought to blush at such a proceeding. The Solicitor for the Stamp Office stated in his letter that the Queen's Speech was news, but that the Chancellor of the Exchequer's speech was not news; and also that a price-current was not liable to a penalty for being published without a stamp. Such were the absurdities of the present system.

Mr. KNIGHT begged to say a few words on the inconsistency manifested by the free-traders. They had insisted upon free corn: why not admit foreign works duty free? It was only the present restrictive laws that prevented them coming into the country. If free trade was to be the order of the day, the booksellers ought not to be protected any more than the agriculturists. If the duty on books were taken off, the bookseller would stand in the same place as the farmer, and would have a right to claim a reduction of burdens, the same as the right hon. Chancellor of the Exchequer claimed for farmers.

Mr. MILNER GIBSON, in reply, said, the first proposal on which the House would divide was, "That such financial arrangements ought to be made as will enable Parliament to dispense with the Duty on Paper;" and in order to meet the views of one of his hon. Friends, he would add the words, "as early as may be with reference to the

Mr. Wakley

security of the Public Revenue." The second division would be on the Resolution "That the Stamp Newspaper ought to be abolished." There was a surplus sufficient to carry out that Resolution. And the third division would be on the Resolution, "That the Tax on Advertisements ought to be repealed." According to the financial statement of the right hon. Chancellor of the Exchequer there would be a sufficient surplus to effect that object, and that surplus would be much better applied in removing the taxes on knowledge, than in offering bounties to militiamen.

The CHANCELLOR of the EXCHEQUER said, that having already spoken on this question, he did not think he should have been called upon to speak again, nor would he have done so had it not been that it was necessary to explain matters in reference to the imputations of hon. Gentlemen, who appeared to have forgotten he had already addressed the House. He might be permitted, perhaps, in explanation, to say that the hon. Member for Finsbury (Mr. Wakley) was quite in error in supposing that he had ever said this particular tax was under the consideration of the Government. What he stated was, that they were being considered as parts of the general system of taxation: he guarded himself from saying they were being specifically considered. As he was on his legs, he might remark upon the charge made against him, that he had made a diversion from the decision of the House by stating that he would give his opinion on the subject when the Budget was produced. The same charge was made by the hon. Member for the City of Dublin (Mr. J. Reynolds), with respect to the Spirit Duties. The hon. Member seemed also under the impression that he (the Chancellor of the Exchequer) had engaged to give a specific answer on that question when he made the financial statement. What he wanted to convey to the House, and what he believed he did convey to a majority of the House, was, that he could not state in detail the views of the Government upon any particular tax until the financial statement was made—meaning that hon. Gentlemen would receive an answer with the financial statemen, because it would prove that, instead of a large surplus, which existed only in the imagination of those Gentlemen who were urging the repeal of different items of taxation, there was a mere nominal surplus, with a margin so small that it could scarcely be considered a surplus at all.

Any Gentleman might get up and say, "The Chancellor of the Exchequer tells us there will only be a surplus of 300,000*l.* or 400,000*l.*, but I can prove the surplus will be double or treble that amount." But he (the Chancellor of the Exchequer) said the statement he had made as the person responsible for the financial condition of the country ought to be received as a statement which had been maturely weighed. He might ask, in vindication of that statement, how was it received by the person who would have been most apt to criticise, and who possessed the most knowledge on the subject—his predecessor in office? The right hon. Member for Halifax (Sir C. Wood) had said that the only fault in that statement was, that it placed the surplus at much too high a figure. That was the criticism of the late Chancellor of the Exchequer, and he (the Chancellor of the Exchequer warned the House not to come to any precipitate conclusion in the manner proposed, under the impression that it pledged the House to nothing. It did pledge the House in a most important respect, and might exercise a most inconvenient effect upon the state of the finances of the country.

Motion, by leave, *withdrawn.*

Motion made, and Question put—

"That such financial arrangements ought to be made as will enable Parliament to dispense with the Duty on Paper as early as may be, with reference to the security of the Public Revenue."

The House *divided* :—Ayes 107; Noes 195: Majority 88.

List of the AYES.

Adair, R. A. S.
Alcock, T.
Anstey, T. C.
Armstrong, R. B.
Bell, J.
Bernal, R.
Best, J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Buxton, Sir E. N.
Carter, S.
Chaplin, W. J.
Clay, J.
Cobden, R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Corbally, M. E.
Cowan, C.
Dashwood, Sir G. H.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Evans, Sir De L.
Evans, J.
Ewart, W.
Fergus, J.
Fitzroy, hon. H.
Forster, M.
Fortescue, C.
Fox, W. J.
Geach, C.
Grace, O. D. J.
Granger, T. C.
Grattan, H.
Greene, J.
Grosvenor, Lord R.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hobhouse, T. B.
Hodges, T. T.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Laslett, W.
Lawless, hon. C.
Locke, J.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Matheson, Col.
Milligan, R.
Monsell, W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Flaherty, A.
Osborne, R.
Pechell, Sir G. B.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Power, N.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, H. D.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Strickland, Sir G.
Stuart, Lord D.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Wilson, M.
Wyld, J.

TELLERS.

Gibson, T. M.
Ricardo, J. L.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Brockman, E. D.
Brooke, Lord
Brotherton, J.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir A. I.
Carew, W. H. P.
Castlereagh, Visct.
Chandos, Marq. of
Christopher, rt. hn. R. A.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coke, hon. E. K.
Collins, T.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Craig, Sir W. G.
Cubitt, Ald.
Dalrymple, J.
Davies, D. A. S.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Dod, J. W.
Drax, J. S. W.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evelyn, W. J.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.

Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greene, T.
Halford, Sir H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, Lord C.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, Sir G. J.
Heneage, G. H. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hope, H. T.
Hotham, Lord
Howard, hon. E. G. G.
Howard, P. H.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knight, F. W.
Knox, hon. W. S.
Lacy, H. C.
Langton, W. H. P. G.
Legh, G. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Long, W.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mostyn, hon. E. M. L.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Patten, J. W.
Pennant, hon. Col.
Perfect, R.
Pinney, W.
Portal, M.
Renton, J. C.
Richards, R.
Robartes, T. J. A.
Russell, F. C. H.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Smyth, J. G.
Smollett, A.
Spearman, H. J.
Stafford, A.
Stanley, E.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, H.
Sturt, H. G.
Taylor, Col.
Tenison, E. K.
Tennent, Sir J. E.
Thesiger, Sir F.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Villiers, Visct.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Welby, G. E.
Wellesley, Lord C.
Whiteside, J.
Williams, T. P.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Wrightson, W. B.
Young, Sir J.

TELLERS.
Mackenzie, W. F.
Bateson, T.

NEWSPAPER STAMP.—Motion made, and Question put, "That the Newspaper Stamp ought to be abolished."

The House *divided* :—Ayes 100; Noes 199: Majority 99.

ADVERTISEMENTS.—Motion made, and Question put, "That the Tax on Advertisements ought to be repealed."

The House *divided* :—Ayes 116; Noes 181: Majority 65.

The House adjourned at one minute before Six o'clock, till *Friday*.

HOUSE OF LORDS,

Friday, May 14, 1852.

MINUTES.] PUBLIC BILLS.—1^{a} Lunacy Proceedings Expenses (No. 2); Protestant Dissenters.

2^{a} Bishopric of Chiristchurch (New Zealand).

BISHOPRIC OF CHRISTCHURCH (NEW ZEALAND) BILL.

The BISHOP of OXFORD, in moving the Second Reading of this Bill in the absence of its mover, Lord Lyttleton, briefly explained the object of it. It had been found expedient, on account of its extent, to separate a portion from the diocese of New Zealand, and to constitute it into a second bishopric in that island. The necessary consents had been given by all parties, when it was objected by the law officers of the Crown that there was no power in the Bishop of New Zealand to surrender any part of his jurisdiction, and that it was necessary to bring in either a declaratory or an enabling Bill—for there was some doubt which was necessary—authorising the bishop to separate his diocese into two parts. The Bill, of which he then moved the second reading, was intended to carry out that object.

The EARL of DESART said, that the Colony were much indebted to the noble Lord for the interest he had taken in this subject. The geographical condition of this island rendered such a separation necessary, for their Lordships were probably not aware of the enormous extent of the diocess. There were five divisions in New Zealand. There was no communication between them even by horseback; and the present bishop had been obliged to charter and navigate a small vessel himself in order to visit the different divisions of the island.

Bill read 2^{a}.

CAPTAIN WARNER'S INVENTIONS.

EARL TALBOT moved for the appointment of a Select Committee to inquire into the Warner inventions, and the several reports connected therewith. He should not have obtruded this subject on their Lordships had not the subject of the national defences been one which of late had been much agitated. The subject of Captain Warner's inventions had now been a long time before both Houses of Parliament, and their Lordships must all of them be more or less acquainted with their nature. Unfortunately, a name had been fixed upon one of these inventions—he meant the name of the "long range"—which had given an opportunity for much ridicule and sarcasm on the whole of them. He would endeavour to remove the prejudice so created against these inventions by detailing the steps which Captain Warner had taken to bring them before the public. The noble Earl then gave a history of Captain Warner's measures to secure to this country the benefit of his inventions from the year 1820 down to the present time. He was then on the point of leaving England to assist Mehemet Ali in Egypt. The nature of the projectiles with which he was going out came to the knowledge of William IV., who persuaded him to forego an engagement from which he must have gained a princely fortune. His Majesty directed the late Sir R. Keates and the late Sir T. Hardy to examine and report upon Captain Warner's projectiles; and they reported in 1832 that they would be of great value to this or to any other country which employed them; indeed, that no ship or fortress could stand against them. It was after the year 1832 that he (Earl Talbot) first became cognisant of them. He had witnessed several experiments made with them in Wanstead Park, and, as far as he could judge, they had been all successful. Subsequently Sir H. Douglas went into an inquiry as to the efficacy of these shells, but with a mind quite made up to consider them as nonsense. He had the greatest respect for Sir H. Douglas; but still he must avow that he had come to an opinion regarding them quite different from that illustrious individual. Time rolled on, and he (Earl Talbot) experienced great difficulty in getting the value of these projectiles inquired into by the Government. The noble Earl then read to the House the report made by Lieutenant Webster to Lord Melbourne in 1839 upon these projectiles, which was very strong in their favour. The noble Earl then detailed the circumstances connected with the blowing up of the *John o'Gaunt*, off Brighton. The vessel had been given for the purpose by the late Mr. Somes, the eminent shipbuilder. She was well adapted for the purpose, being well constructed, perfectly sound, and built of teak, the hardest description of wood. Captain Warner had offered to put the vessel into the hands of the Government, so that they might take it into any of the docks, but they declined, and the ship was brought down to Brighton, and was destroyed, as witnessed by thousands, in the most effectual manner. He held in his hand a certificate of the destruction of the vessel, signed by two of his brother officers (Captains Dickenson and Henderson), and they distinctly stated that the blowing up was not occasioned by any combustible in the interior of the vessel, but from something placed underneath or alongside; they added that the signal for blowing her up was made by themselves from the shore. There was another experiment, it was but fair to say, undertaken in the neighbourhood of his residence at Cannock Chase. The experiments were made for the purpose of showing that those materials could be safely carried to a considerable distance and in a simple manner by a balloon; the shots placed in the balloon on the occasion in question were not to contain any combustibles, but merely to show that the weights could be carried. Where a balloon was used, of course it could only be resorted to when the wind was favourable; and then it would be necessary, of course, for the assailants to be to windward of the town or ship to be destroyed. The balloon on that occasion certainly did not give the direction that they had chalked out for it; but the Commissioners were in such a hurry and so anxious to get back to town, that they actually did not wait to see the result. It was found that the shells had been carried a distance of more than four miles in a straight line; but the Commissioners never inquired where or when they fell, and reported that the experiment was a failure. He (Earl Talbot) contended that it was not, because the only question was whether those missiles could be sent to a considerable distance and in a straight line. He complained that Lord John Russell had at a subsequent period, and without instituting further inquiries, declared in a private room that Captain Warner might take his inventions where he liked, they had no need of them. After that the matter slept for some time, and when the Kaffir war took place, Captain Warner, as their Lordships were aware, made an offer to go out there and put an end to the war at once. He wrote on the subject to Lord Palmerston, who handed the letter to the late Secretary for the Colonies; but the proposition was not entertained. Sir George Murray, the late Master General of the Ordnance, subsequently made arrangements for testing those inventions, and if they had been abided by, the merits of the inventions would long ago have been satisfactorily ascertained. The noble Lord then quoted extracts from letters written by several naval and military officers and noble Lords, all testifying to the merits of Captain Warner's inventions, so far as they had witnessed them. It might be said that he Earl Talbot would have done better if he had made his present application to the Government; but he had had enough of that. If he applied to the Prime Minister, he would have referred him to the Master General of the Ordnance, and the Master General would probably have referred him to the Commander-in-Chief, and that illustrious officer would probably write him a pithy letter that the matter was not within his province, and that the Commander-in-Chief did not meddle with matters which had not been brought regularly under his notice. He understood that very advantageous proposals had been made to Captain Warner by foreign Powers, more particularly a neighbouring country; and he had no doubt that if these inventions were adopted it would save the country the expense of a Militia Bill. All he asked for was inquiry—it might turn out as it had been termed that the whole was visionary nonsense; but, on the other hand, and he said it boldly, they were running the risk of losing what might turn out the best means of insuring the salvation and security of the country.

The Earl of HARDWICKE did not rise for the purpose of opposing the Motion; but he wished to observe that these inventions had been before the public for a great many years, and had been the subject of investigation before Government Commissions and scientific individuals, and of Commissions under the Ordnance and Admiralty combined. He had himself been invited to witness Captain Warner's experiments; but as regarded any inquiries that had taken place, they had all failed in eliciting anything from Captain Warner as to the nature of his inventions. He had refused to give any information unless he was guaranteed a large amount of money from the Crown. What he wanted to know was, whether, if Captain Warner came before a Committee, he would be prepared to give them thorough and perfect information regarding his inventions. If he was not—if he refused to lay before

Earl Talbot

the Committee his mode of operation, with drawings, plans, and instruments, and the manner of working the invention—if he was to come before them and merely tell them that he required a large amount of money, varying from 400,000*l.* to as low as 120,000*l.*—if that was all they were to get, the Committee would be useless altogether. With the hope that Captain Warner would be ready to afford the necessary information, he should not oppose the Motion for the Committee.

Lord DE ROS wished to remind the House of what had passed respecting himself in an early stage of this matter. He had been requested by his noble Friend to go down to Winchester to see the experiment of the long range. Being a military man, he applied to the Commander-in-Chief for his permission, and was authorised by that officer to go. He went down. He passed the whole of one night—and a very long night it was—on the top of the Downs, while Captain Warner, in a sort of magic circle, with torches, began blowing up a balloon. He waited till broad daylight, when the balloon was nearly ready; and then he proposed to Captain Warner that the balloon should be sent off, but Captain Warner said he must look about him with his glass to see whether there were any cattle or persons about, as he said it would be extremely dangerous; and it occurred to him (Lord De Ros) that when the day was so far advanced it would be dangerous if the experiment answered, and he therefore did object to the balloon going off; but Captain Warner endeavoured to persuade him that if it had gone off it would have succeeded. It ended in his coming back to London, and he confessed he came back perfectly satisfied that it was an evasion. If Captain Warner had been so sure of success, why did he not go with a steamer to the Rock of Ailsa, where there was nothing but birds, or to Shoeburyness, and drop there one of his long-range shells.

The Earl of ALBEMARLE had no idea a Committee would be granted, because several inquiries had been made on this subject, and it had been stated in a report to the Master General of the Ordnance by Captain Chads, R.N., and Colonel Chalmers, R.A., that every facility had been given for a trial of Captain Warner's invention, and it had been a failure. In a debate in the House of Commons some time ago, Sir Howard Douglas had stated that Captain Warner's shells were no novelty, but shells of that description had never been used, as they were so dangerous to the operator.

The EARL of MINTO said, these inventions were not by any means new, as they had been originally suggested by a very ingenious scientific individual, named Scott, who, in 1803, conceived that by means of shells dropped from balloons they might destroy the flotilla at Boulogne. He proposed to send off what he called fire-balloons, in a certain precise direction, according to the force and direction of the wind, and adjust the time of the falling of the shell to the flight of the balloon. That was mentioned to the Admiralty in 1803 or 1804, but they did not think it worth their while to avail themselves of the invention. When, however, this proposition of Captain Warner was made, he (the Earl of Minto) told Sir Thomas Hastings that he had a model of Mr. Scott's invention at his house in Scotland, and when he went down there he found it, and it was now on the table of his house in London. He thought it right to state that fact to their Lordships.

The DUKE of ARGYLL said, he knew nothing personally of Captain Warner, and was by no means competent to pronounce an opinion upon the merits of his invention; but he was accidentally a witness of the experiment off Brighton as to the short range, and he must say, that so far as the destruction of the *John o' Gaunt* was concerned, nothing could be more effectual. The explosion was not like that of gunpowder, but it seemed as if the bottom of the vessel had been blown out by some shell in the water: the upper deck of the vessel remained comparatively uninjured, and then the whole fell to pieces. The impression, however, left on his mind by that experiment was very much that which was left on the minds of those who had witnessed the experiment of the long range. It was perfectly impossible for any spectators to have a conviction on their minds that this invention could be made available in the face of an enemy; they could not be sure that some explosive material had not been previously introduced into the vessel. It appeared to him that this Committee would end, like Captain Warner's experiments, in smoke, unless Captain Warner was prepared to give up his secret, and before the Committee to explain fully and entirely the principle upon which he proceeded, and the ground upon which that principle would be applicable in case of war.

The EARL of MALMESBURY thought, that, on the one hand, his noble Friend (Earl Talbot) had been too sanguine concerning the success of the invention; and, on the other hand, that too much cold water had been thrown on the experiments that had been made, and which displayed, in some degree, that activity, industry, and enterprise, for which this age had been distinguished. He thought if his noble Friend (Earl Talbot) undertook to promise to bring Captain Warner forward, and that Captain Warner, without any further hesitation, proved intelligibly what his invention was—he (the Earl of Malmesbury) did not care whether it was his own invention or not—but if he could prove that these newly-invented applications could really be useful to this country, he (the Earl of Malmesbury) was sure the Government would try to meet the views of the noble Earl. At the same time, he was of opinion that a Committee upstairs was about the last place such a matter should be brought before; but he thought if his noble Friend (Earl Talbot) could promise that Captain Warner would divulge his secret without further hesitation, there would be no objection on the part of the Government to grant the Committee.

The EARL of WICKLOW thought it was rather hard to call upon Captain Warner to divulge his secret before a Committee, and thereby make it public to the world, and afterwards to tell him that they were not bound to give him any reward for it. He thought that would be exceedingly unjust. If Captain Warner produced his secret before the Committee, and it appeared such as he said it was, in that case he should receive his reward. That proposal he (the Earl of Wicklow) thought would be a fair one; but without such an understanding, Captain Warner would not be justified in divulging his secret.

The EARL of ELLESMERE said, with respect to one of the two plans which Captain Warner declared himself to be in possession of, as a noble Earl had stated that that was not Captain Warner's own invention, it would be better for the Committee to put it out of consideration. They well knew what it was. Any person of common mechanical ingenuity might endeavour to apply that plan, and it had been tried with no great success. At the siege of Venice the Austrians tried it, and it failed then, as it happened, in consequence of a current of air occasioning the shell to drop into the sea. Another current of air, perhaps, might have caused the shell to fall into St. Mark's Place; but, on the other hand, an opposite current might have driven it back to the Austrians, with very inconvenient consequences to themselves. The other plan was worth while inquiring into; but he thought that Captain Warner ought to explain it to some person in the service of the Crown, whose professional experience might guide their Lordships' Committee in forming a judgment as to the merits of the invention. From all that he had heard on this subject, he conceived that Captain Warner made use in his plan of some of those powerful chemical compounds with which any smatterer in chemistry was acquainted, but which were extremely dangerous to handle or to apply to the purposes of war.

EARL TALBOT said, common shells by rolling in a ship were apt to burst; but the materials employed by Captain Warner were perfectly safe up to the moment of their use. He should have no hesitation in producing Captain Warner before the Committee; and he undertook to say that Captain Warner would give any information which their Lordships thought he ought to give. The suggestion that Captain Warner should not disclose his secret without receiving reward, perhaps deserved consideration; but Captain Warner was prepared even to do that, if so desired by the Committee. He believed one of Captain Warner's agents was not gunpowder, but electricity, and that his invention was totally different from Mr. Scott's.

LORD VIVIAN suggested the propriety of appointing some scientific men to inquire into these inventions in connexion with the Master General of the Ordnance. Without meaning to say anything offensive, it appeared to him that Captain Warner, at the eleventh hour, had always shelved such an inquiry.

EARL GRANVILLE thought it was easy for the Government to appoint some scientific person to inquire into these inventions. The investigation would then be much better carried out than by their Lordships.

The EARL of MALMESBURY quite concurred in the opinion that scientific men should be appointed upon this Committee. If his noble Friend obtained this Committee, the course he conceived they ought to take, would be to appoint such of their Lordships as were conversant with military matters upon that Committee, who should be the judges of the value of the statement made by Captain Warner. He had, however, risen to guard the Government against any misconstruction upon one point in particular. He had stated that he could not recommend the appointment of a Committee upon this matter, unless his noble Friend could promise, on the part of Captain Warner, that he would lay aside all mystery in reference to these inventions, and that he would make a full and distinct statement upon oath to the Committee. After his statement was made, and his secret divulged, that secret could then be laid before persons competent to judge of the value of any practical experiment in any practical place. He, however, wished to guard the Government against being supposed to have given Captain Warner any sort of promise that this divulging of his secret would be followed by anything like a reward, which it appears he had at first expected the Government to give him. If, then, Captain Warner appeared before this Committee, he must give his explanation with the distinct understanding that no promise had been made to him, or bribe held out, for inducing him to divulge a secret which, until then, he had refused to disclose. If his noble Friend thought he could promise on the part of Captain Warner that he would fulfil these conditions—although he (the Earl of Malmesbury) confessed he was not at all sanguine of the results, but he would be sorry to let his doubts influence his judgment in respect to the present Motion—if, as he had said, Captain Warner was disposed to make a complete disclosure of his inventions to the Committee, without the expectation of receiving a single farthing for so doing from the Government, he (the Earl of Malmesbury) could not see how any objection could be urged against such an inquiry.

EARL TALBOT was understood to assent to those conditions. He said he did not at all wish the Government to part with a single sixpence to Captain Warner unless they were perfectly satisfied of the value of these inventions. He would answer so far for Captain Warner.

On Question, *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 14, 1852.

MINUTES. NEW WRIT.—For Windsor, *v.* George Alexander Reid, Esq.

PUBLIC BILLS.—1° Public Works; Turnpike Acts Continuance; Turnpike Trusts Arrangements.

3° Stamp Duties (Ireland) Continuance; Property Tax; Registration of Births, Deaths, and Marriages; Turnpike Roads (Ireland); Commons Inclosure Acts Extension.

NATIONAL SCHOOL BOOKS OF THE IRISH BOARD OF EDUCATION.

SIR HARRY VERNEY wished to ask the hon. Secretary to the Treasury what was the present state of the question which had arisen with respect to the sale of the publications of the Irish Board of Education, and whether the plan submitted to the Treasury by the Committee of the Irish Board was likely to be carried out?

MR. G. A. HAMILTON said, that the hon. Baronet who had put this question, was probably aware that the subject was involved in considerable difficulties, and that connected with it there were several parties whose interests it was not very easy to reconcile with each other. First, there was the book trade, who very naturally expected that the arrangements for the sale and publication of the National School Books should be put upon a strictly mercantile and commercial principle. Then the House would recollect that it was a fundamental principle of the National System of Education in Ireland that the Commissioners should have the complete control with reference to the subject-matter of the books which they published; and the Board, having this responsibility, which involved very delicate considerations connected with the contents of these publications, very naturally and rightly required that no arrangements should be made which should interfere with their complete control over them. They also expected that no arrangements should be made by which the price of these books should be enhanced to the poor of Ireland. There was next the Privy Council of England, who were also opposed to any arrangement by which the price of these books might be enhanced; and, lastly, there was the contract for printing, which had two years to run. The noble Lord the late Prime Minister, having taken the subject into consideration, expressed an opinion that the supply of books to be published by the Commissioners should be limited to the quantity required for their own schools; but he added that he thought it desirable that means should be also taken by which the sale of these books in other parts of the United Kingdom should be secured. Since he (Mr. Hamilton) had held his present office, the subject had been under the consideration of the Treasury, who had received several communications on the subject within the last week, and although he could not say that the difficulties of the subject had been surmounted, he thought that in a short time—he hoped, within a few days—he should be able to submit to his right hon. Friend the Chancellor of the Exchequer a plan by which they might be overcome.

DESERTION OF SEAMEN IN AUSTRALIA.

MR. MASTERMAN begged to inquire whether it was intended by Government to take any measures in the course of the present Session to restrain the desertion of Seamen in the Australian ports?

SIR JOHN PAKINGTON said, that the question of the hon. Member for the City of London was one which related to a portion, and that not the least important portion, of that most extraordinary emergency which had arisen in two of the Australian Colonies, in consequence of the recent discovery of gold in that region of the world—an emergency to which he assured the hon. Member the assiduous attention of Her Majesty's Government had been, and would continue to be, most seriously directed. With a view to correct the misapprehension which existed as to the precise number of the ships from which desertion had taken place, he had procured some information on the point, so far as concerned the port of Melbourne—that part of the colony where the largest discoveries of gold had been made, and where the evils of desertion were most complained of. It appeared that, on the 6th of January in the present year, there were thirty-five ships in that port; the aggregate number of their crews was 816, and out of that number 417 had deserted. The most pressing representations had been made to Her Majesty's Government on this subject by the Governors of two of the Australian colonies — New South Wales and Port Phillip; and repeated despatches had been received, urging on the Government the necessity of military and other assistance, under the existing state of circumstances. It was only the other day that there had been received at the Colonial Office a despatch from the Governor of Victoria, urging the same course, and again pressing on the most serious consideration of the Government the great evils that must result both to the Colonies and to the mother country in consequence of the systematic practice of desertion from merchant ships. Under these circumstances, Her Majesty's Government had felt it to be their duty to give the required assistance to the Australian Colonies. They considered that the Colonies had a right to expect assistance in those respects in which they were not able to afford assistance to themselves. It had, therefore, been decided by Her Majesty's Government to send to Australia the service companies of a regiment of infantry, to be divided in the proportion of two companies to Sydney, and four to Melbourne—the requirements of the case being most urgent in the latter port. The Government, however, having regard to the fact that the financial condition of these colonies, especially of Victoria, was very prosperous, considered that they had a right to call on the Colonies to bear the whole expense of this military assistance, not only in paying and supporting the troops, but also in providing for them the necessary barrack accommodation, and they had caused an intimation to that effect to be conveyed to the Colonial Government. They had also thought it right that the assistance of a man-of-war should be afforded to the port of Melbourne, with special reference to desertion from the merchant ships sojourning in that port. The presence of a man-of war had been found exceedingly serviceable in abating the evil at Sydney, and the Government had accordingly given directions that one of the ships in the Australian seas should proceed without delay to the port of Melbourne. It was only that morning that he had sent to the Governor of Victoria ample information of all these proceedings, accompanied with instructions that he should put himself in communication with the officer in command of the man-of-war. Regard being had to the zeal and ability which both the Governors of the Australian Colonies had invariably displayed in the discharge of their official duties, and to the pecuniary resources at their command, it was to be hoped that the measures which had now been adopted would be found sufficient to check an evil which was calculated to inflict so serious an injury upon the interests of commerce, both at home and in the Colonies.

Mr. GLADSTONE said, he had listened with great interest to the statement of the right hon Baronet; and he should be extremely glad if his effort to throw the whole of these expenses upon the colonists should be successful; but wished to be informed whether the right hon. Baronet possessed the power to enforce so desirable an object as that to which he had adverted, namely, the payment of the expenses by the Colonies themselves?

Sir JOHN PAKINGTON said, that he had resorted for that purpose to the only expedient that appeared to be at his command, for he had made the continuance of the military assistance conditional on payment of the expense.

Mr. HUME said, that he had an observation relative to Australia to offer on this subject; and that he might acquire the right of offering it, he begged leave to move that the House, at its rising, do adjourn to Monday next. He confessed he was not very sanguine in his expectation that the sending out of troops would have the effect of preventing desertion from the shipping. He hoped, however, that it might contribute to that object. But there was another matter, of scarcely less importance than the desertion of seamen, to which he was anxious to refer. He alluded to the prospect of the sheepmasters in Australia, and, as incidentally connected with the subject, to the probable prospects of the manufacturers in this country, many of whom were apprehensive that there would be an inadequate supply of wool for manufacturing purposes, if the sheepwalks of Australia were to be deserted for gold digging. Nothing could be more deplorable than the present condition of some of the working classes of our own people. more especially of the hand-loom weavers in Scotland and in the north of England. In Lanarkshire alone there were now between 3,000 and 4,000 hand-loom weavers, who only earned 4*s*. a week; and he suggested to the Government whether, with a view to better the deplorable condition of these poor people, and at the same time to supply the deficiency of labour in the Colonies, it might not be judicious to devise some plan for paying their expenses out, on condition of their agreeing to work as shepherds for a stated period—say for one year.

Sir JOHN PAKINGTON thought it would be scarcely fair inconsiderately to entice the Government into a pledge on a matter of such great importance, and, he could not help adding, on a matter of such an unusual nature, as that referred to by the hon. Member for Montrose. With respect not only to the hand-loom weavers, but to all other mechanics and labourers who might feel disposed to emigrate to Australia, he would take that opportunity to state that there existed in the Colony the strongest anxiety that they should do so. There had recently been received from the Australian Colonies several large remittances for the promotion of emigration from the mother country. Victoria had recently transmitted 130,000*l.* for that purpose, which, with the sum then in hand, left between 160,000*l.* and 170,000*l.* disposable for the purpose of emigration to Victoria. New South Wales had also sent home about 70,000*l.* for the same purpose; and he was now in communication with the Emigration Commissioners as to the mode in which that sum could be most beneficially expended.

Mr. CLAY said, that the right hon. Gentleman, in reply to the question of the hon. Gentleman the Member for the City of London (Mr. Masterman), had spoken only of desertion among the crews of merchant ships. Could the right hon. Gentleman give the House any information with respect to the amount of desertion among the shepherds of the Colony? He (Mr. Clay) had seen private letters which stated that the desertion among the shepherds was not very general.

Sir JOHN PAKINGTON was unable at the moment to give an answer to the hon. Gentleman's question.

Subject dropped.

MILITIA BILL.

Order for Committee read.

House in Committee.

Clause 9. Provides that Her Majesty might, by order in Council, make subdivisions conterminous with superintendent-registrars' districts.

Mr. MILNER GIBSON said, he wished to know what was the necessity for this clause, after the important change which was made in Clause 8 on Friday evening? The Committee were not, perhaps, aware that the whole principle of the ancient Militia Law had been entirely subverted by that change. Under the old law the apportionment of the quotas of men to be furnished by each county was settled by Act of Parliament; whereas, under this Bill, as now altered, it was made competent for the Secretary of State for the Home Department to raise all the militia, if he chose, from one county, and leave the others altogether untouched—to raise the whole number from Kent, for instance, and none at all from Middlesex, or *vice versâ.* Now, if this was the case, as it seemed to him it was, what an injustice would it commit! Because, if the burden of a compulsory militia was to be imposed upon the country, the burden ought, at least, to be distributed equitably over the counties according to their population, and not be left to be regulated according to the mere will and pleasure of the Secretary of State for the time being. But, if that was to be the law, he thought the 9th Clause was superfluous, because, what was the use of taking the power of subdividing and creating districts for the purpose of more conveniently apportioning the quotas, if the general power of drawing them from any particular district was to be given to the Secretary of State? It appeared to him that they were now about to raise a new force upon an entirely new principle, and in a manner entirely unknown to the past history of the country.

The ATTORNEY GENERAL thought the right hon. Gentleman was utterly mistaken in the view he had taken of this measure; and if he referred to the 42 *Geo.* III., c. 90, he would find, that although the quotas were originally fixed by the Act, they were only fixed for three years down to 1805; and from 1805 a discretion was given to the King in Council to fix the respective quotas of different districts. Therefore, in point of fact, there had been no such alteration of the law as the right hon. Gentleman had suggested.

Mr. MILNER GIBSON did not think the explanation of the hon. and learned Gentleman was satisfactory, because he had laid down no principle of apportionment. He had left out the words which described the rule for fixing the quotas, and therefore they were not bound to any principle in fixing them. What had been said by the hon. and learned Gentleman about the old Bill was not to the point, for although it was in the power of the Queen in Council, by the existing law, to alter or apportion the quotas, still they should be made in proportion to the population of the different counties. He thought, therefore, that a novelty was introduced into this Bill which was calculated to do considerable injustice.

Mr. WALPOLE considered that the objection raised by the right hon. Gentleman on this clause was not of the most reasonable kind. The alteration made in the clause was made in consequence of a suggestion of the right hon. Baronet (Sir C. Wood); it was adopted by the opposite side of the House, and acquiesced in by the Government. The matter stood in this way—as the Bill was drawn, by Clause 8 the Queen in Council had the power of fixing the quotas of men, so as to apportion, as nearly as might be, the whole number of militiamen the Act directed to be raised.

Sir GILBERT HEATHCOTE wished to inquire, as there had been great changes in the relative populations of the different counties, whether the quotas were to be according to the present or old populations of the different localities?

Mr. WALPOLE said, the intention of the clause was to fix the quotas equitably and rateably among the different subdivisions of counties, but at the same time to leave a discretion with the Crown.

Mr. BRIGHT said, his right hon. Friend (Mr. M. Gibson) complained that the clause omitted a principle which was before contained in it. As it at first stood the clause went upon the principle that they should ascertain the number of persons fit and liable to meet the years that the Government proposed to take as their limits, and upon that number to apportion the quotas to be raised for the purposes of the measure. The reason why they took the words "fit and liable" was to make population the basis of the quotas. But as the clause now stood, the Government did not lay down in it any principle on which they were to fix the number of militiamen to be raised. It appeared to him, as the clause stood, that 10,000 men might be raised in Lancashire, 5,000 in Yorkshire, and 15,000 in Middlesex, without any reference to the respective population of those counties. That was a matter of which he and his right hon. Colleague had a right to complain; and he thought also they had a right to insist that the Government should clearly determine the basis on which the men were to be raised. He thought it would be better to make an Amendment in Clause 8 which should describe accurately on what basis the Queen in Council was to be allowed to make the apportionment.

Mr. WALPOLE said, the omission of the words "fit and liable to serve" from the 8th Clause was suggested by the right hon. Baronet opposite (Sir C. Wood); and he (Mr. Walpole) thought at the time that it was going too far. Unquestionably the alteration had the effect of giving the Crown a much larger discretionary power than it would have had before the alteration was made; but he did not see that it would prove burdensome where the men were raised by voluntary enlistment; and the Crown would have no power to put the ballot into operation otherwise than under the conditions stated in subsequent clauses of the Bill.

Sir CHARLES WOOD said, it was quite true that the suggestion to leave out the words "fit and liable" came from him, and he understood the Government to approve of the omission when the Bill was last before the Committee. He said it was necessary that there should be some power of fixing the quotas of men in the first instance taken by voluntary enlistment; and he thought the right hon. Secretary of State for the Home Department was mistaken when he said the clause would be only necessary when the men were taken by ballot. Let him remind the Committee of the process to be gone through under the tedious, troublesome, and expensive process of ballot according to the 32 *Geo.* III., c. 90, in order to ascertain who were "fit and liable to serve." There would be first a general meeting of the county; then subdivisional meetings, resulting in instructions to parish constables to obtain from every householder the number of persons in his house liable to serve; then came questions of exemption, examination by surgeons, and so forth. All that process must have been gone through as the clause stood before it could be ascertained who were "fit and liable" to serve in the militia in each county in England. But if the men were rised by voluntary enlistment, that process would be totally unnecessary; for, in that case, it mattered not what number of men fit and liable to serve might be resident in a county. If, therefore, the quotas were fixed according to the population of each county, it was all that was required to be done, without going through the process of the ballot. He was quite aware that the omission of the words would result in leaving a larger discretionary power with the Queen in Council; but he entertained no objection to that, because he was certain it would be properly exercised. At the same time, if it were thought necessary, words might be inserted providing that the apportionment should be made with reference to the population of each county.

Mr. MOWATT said, in the previous discussion he suggested that a proviso should be added to limit the operation of the clause until the 31st of December, on the express ground that the clause had only reference to the ballot, which would not come into operation until after that period, and that it was not desirable to put the country to the trouble and expense of ascertaining the basis on which the number should be apportioned. He did not imagine the discretionary power would be exercised with any degree of harshness; but he dreaded that under the system now contemplated, of applying the clause to the ballot, they might punish any particular county they liked by levying in it the whole number of men found deficient under the voluntary enlistment, and exempt all the other counties.

Mr. WALPOLE said, in the clause relating to the ballot, they gave power to fix the number of men required to be raised for the ballot. Whenever, by an Order in Council, any number of men were required to be raised for any county or riding by ballot, the lieutenants and deputy lieutenants of such county or riding were empowered in general meeting to apportion deficiencies in voluntary enlistment among the various subdivisions and parishes of their county; but the subdivisions and parishes in which the full number of volunteers had been raised were to be exempt.

Mr. MILNER GIBSON said, he did not object to the principle which the right hon. Gentleman proposed to carry out. All he objected to was, the right hon. Gentleman's endeavouring to apportion the quotas according to fitness and liability.

Mr. GOULBURN said, that the words "fit and liable to serve" having been omitted from the 8th Clause, it was necessary that they should be left out in the clause before the Committee—the purport of which was simply to enable the Crown to alter the limits of the several subdivisions of counties, but did not fix the quotas in those subdivisions.

The words "with reference to the numbers of men fit and liable to serve in the militia" were then struck out, and the clause, as amended, *agreed to.*

Clause 10 (Militiamen to be raised by voluntary enlistment).

Mr. WALPOLE said, that in its present shape the clause was somewhat ambiguous as to where the volunteers were to be raised. He proposed, therefore, to insert words providing that the volunteers should be resident in the county in which they were raised.

Amendment proposed—

"Page 4, line 35, after the word 'Volunteers,' to insert the words 'being resident in the county in which such men are directed to be raised, or in any county immediately adjoining thereto, and.'"

Mr. MOWATT said, what he and those with whom he acted complained of was, that there was no recognised principle or data on which any given number of men could be raised in any particular county whatever; the thing was entirely left to the discretion of the Secretary of State for the Home Department.

Sir GEORGE CLERK said, he apprehended that the proposed limitation would turn out to be very inconvenient. It was highly expedient, no doubt, that the persons who were to serve should be resident within that portion of the United Kingdom in which they would be required to serve; but he thought that they might be residents either in the county in which they were raised, or the counties immediately adjoining.

Mr. WILSON PATTEN said, that the restriction would operate most injuriously upon the county of Lancaster, where in consequence of the high rate of wages fewer volunteers would probably be raised than in any other county in England.

Mr. BERNAL OSBORNE said, he wished to ask whether it was not still left in the power of the Secretary of State to raise the whole force from one county?

Mr. WALPOLE thought it clearly was not.

The ATTORNEY GENERAL said, that owing to the omission of the words recently struck out of Clause 8, there was a discretionary power in fixing the quotas; but still there must be quotas fixed for the several counties.

Mr. MILNER GIBSON said, that if there were any limitation in the source from which the volunteers might be drawn, it was quite plain that the ballot would thereby be rendered the more probable; for instance, if they decided upon raising 10,000 men in a particular county, and did not succeed by volunteering, they must then resort to the ballot.

Sir De LACY EVANS said, that if those quotas were to be permanently acted upon, some fixed rule should be laid down upon the subject. As the ballot was not to be carried into operation until the end of the year, it was better to vest a discretion in the Government with respect to volunteers; but if the ballot was to be resorted to, the quotas, he repeated, ought to be fixed upon some general rule.

MR. MOWATT wished distinctly to ascertain whether if there was a deficiency in any particular county as to the number of volunteers, it might be made up by the excess in another county; and, if not, whether the ballot was to be put in operation? His own opinion was, that if the deficiency was allowed to be made up by excesses in the manner he had suggested, one of the great objections to the measure would be overcome.

CAPTAIN HARRIS begged to point out to his hon. Friends on the Treasury bench, that hon. Gentlemen opposite had, by their Amendments, succeeded in crippling the 8th Clause; and he warned the Government that, if they yielded too easily to their suggestions, they would render the Bill inefficient, which was the object of hon. Gentlemen opposite.

MR. MOWATT wanted an answer to his question as to the deficiency of one county being made up by the excess in another.

MR. WALPOLE said, that the ballot would not be put in force until the system of volunteers was exhausted.

MR. CARDWELL wished to be distinctly informed on this subject. Suppose that in the county where wages were high, there was not a sufficient number of volunteers, and that in another county where wages were low, there was an excess, did the Government or not mean to introduce a proviso to the clause, by which a larger proportion of volunteers might be raised in one county, thereby preventing the necessity of inflicting the ballot upon the other county where the full quota might not have been raised?

MR. WALPOLE said, the Government was preparing a proviso upon the subject.

MR. W. WILLIAMS wished to know precisely under what circumstances the ballot was to be resorted to? Beyond what maximum of volunteers did the Government intend to enforce the ballot?

MR. WALPOLE said, that, during the present year, even if the number of volunteers did not exceed 40,000, he thought he might give an assurance, on the part of the Government, that the ballot would not be resorted to. It was not the desire of the Government, by any unnecessary harshness, to render the measure distasteful or unpopular.

MR. MILNER GIBSON thought that the statement of the right hon. Secretary of State for the Home Department, by throwing so much uncertainty over the whole affair, was calculated to alter altogether the character of the Bill. First 120,000 men were required, the number was then reduced to 70,000, then to 50,000, and now it appeared that if 30,000 or 40,000 were obtained, the Government would be satisfied. If this number would suffice, why ask for more? It was a most unconstitutional and unprecedented course for any Minister to come down to the House and ask for a vague and indefinite force to meet some vague and indefinite danger. The Ministers of the Crown, in dealing with a matter of such importance as that of the national defences, ought not to be guided by the popularity or unpopularity of their measure; they ought to have the moral courage to declare what the country required, and the firmness to stand by the proposal. If they had a case which they dared not lay before the country and support by argument, they ought not to submit it to the House.

VISCOUNT PALMERSTON said, that his right hon. Friend must have paid too great attention to the Estimates and Votes in Supply not to have remembered the exact terms of the Resolutions which had at various times been either opposed or assented to. His right hon. Friend appeared to imagine that when the House voted the Army or Navy Estimates, they voted a compulsory resolution to the Government to raise and maintain a certain number of men. In point of fact, however, it was no such thing. The vote was to raise and maintain "not exceeding a certain number." There was no compulsion on the part of the Government to maintain the full number. The objection, therefore, which the right hon. Member for Manchester had so earnestly urged against what had been stated by the right hon. Secretary for the Home Department, applied just as truly to every vote for the Army service, or for men in the Navy. He hoped, however, that the Committee and the public would bear in mind that what his right hon. Friend had now been urging on the Government, was an argument which went to this—that the Government were negligent if they did not enforce by ballot the raising of the full number of men, and that he had been arguing strongly for the ballot. Let it be distinctly understood by the country from what quarter of the House came the strongest arguments in favour of having recourse to the ballot.

Mr. MILNER GIBSON said, he must deny that he was in favour of the ballot, but he contended that if the Ministers of the Crown thought the ballot right, they ought not to come down to the House and agree to alter their measure on grounds of popularity or unpopularity. It was their duty to take upon themselves the responsibility of measures which they thought right, and to pass them without reference to their popularity or unpopularity. [*Laughter.*] He was arguing what they ought to do. He opposed the ballot, because he believed it improper, and not upon any mere ground of popularity or unpopularity. It was unbecoming in a Minister of the Crown to yield to popular clamour rather than to be guided by reason. He declined to accept the construction put upon his words by the noble Lord the Member for Tiverton.

Viscount PALMERSTON did not think that his right hon. Friend had in the least degree negatived the assertion which he had made. He (Lord Palmerston) did not say that his right hon. Friend was in favour of the ballot—Oh dear, no!—he was against it; but he was urging that a Government which was carrying its Bill through by majorities of a hundred or more every night, if it had any regard to its own duty, it ought to enforce the ballot. The Committee would judge what would be the effect of the negative of his right hon. Friend, and his (Lord Palmerston's) assertion.

Mr. BERNAL OSBORNE would not enter on the subject of the ballot, though he had the idea that the people were more afraid of the ballot than of the French invasion. He wished to ask, whether the bounty would be a *boná fide* bounty of 6*l.*, or, as in the Army, a nominal bounty, the cost of the knapsack and necessaries of the recruit being deducted from the amount? If it were a *boná fide* bounty, no doubt a considerable number of men could be raised; but if it were merely a nominal bounty, the principle of the Bill would break down.

Mr. COBDEN said, that the noble Lord (Viscount Palmerston) could not quote any precedent where a Government, having obtained a vote for a certain number of men, had ever gone below that amount. It was all very well for the noble Lord to say that they were contending against majorities of a hundred. He had seen minorities of eighties grow up to majorities, to which noble Lords and hon. Gentlemen were now claiming the honour to belong. The admission of the right hon. the Home Secretary had gone far to justify the opposition to that measure. When it was first brought in, it was proposed to raise 120,000 men—70,000 this year. Then the Government brought down their demand to 50,000. The Committee had been arguing some days on that; and now the right hon. Gentleman opposite rose and said, "Don't be alarmed about the ballot; if we can get 30,000 or 40,000 men, we shall not trouble you about the remainder." If there was any imminent danger, let the Government show what it was, instead of continually changing their demand, saying first one thing and then another. In fact, they were laughing at the Committee, and laughing at the country. He could see smiles on the faces of right hon. Gentlemen opposite. There was no earnestness or sincerity whatever in the proposal. It was a fraudulent pretence upon the people. For the last three or four years there had been a demand for a reduction in our naval and military expenditure. Now, there was a cry got up in order to stop that reduction, and they wanted to get more money out of the pockets of the people. Whig and Tory Governments were equally bad in this respect. The present Government would not have proposed this measure if a Whig Government had not placed it in their hands. It was the proposal of the noble Lord the Member for the City of London (Lord J. Russell) which had first rendered this proposal possible; and his opposition to it had almost rendered opposition impossible. He hoped this very proposal would render it almost impossible for a Whig Government ever to return to power again; for to them the country was indebted for this proposal. But for that the Tory or Conservative party would not have dared to propose a militia, knowing very well that they would have been opposed, not only by the liberal party, but by the Whigs, if they had been in opposition. He had recently seen in the *Wiltshire Independent* an account of the meeting of the yeomanry cavalry at Devizes, which, after describing the creditable manner in which they went through their evolutions, the soldierlike appearance of the men, and the admirable way in which they were officered, said—

> "It is a matter of much regret that many of the members of this regiment should, after escaping from the surveillance of their officers, have conducted themselves in an improper and disreputable manner. During the last three nights there have been repeated and systematic disturbances of the public peace—a number of the yeomanry meeting together in the market-place, and either parading the town beating kettles and tea-trays—and making every other imaginable noise; or separating into detachments and ringing the bells of every house they passed, breaking the windows, and trampling down the flower-beds. So unruly has been their conduct that the peaceable inhabitants of the town express themselves as not at all sorry that their stay is brought to a close, and by no means anxious again to have the honour of their company. We may add, that the matter is as much regretted by the officers, and the more sober and respectable members of the regiment, as by those whose slumbers have been disturbed, and whose property has been thus destroyed."

This was a body of yeomanry cavalry, farmers' sons and persons in the middle class of life. They were going to bring together at public-houses, for the purpose of being drilled, similar bodies of labourers, volunteers from the labouring classes: what would be the scenes witnessed among them? Was it not certain they should have all those demoralising scenes, and far worse, inasmuch as their greater want of education must necessarily expose them to the temptations of large towns? If this were rendered necessary by any pressing danger, the country would submit to it; but he was confident that if the people of this country saw any real danger, they would rise *en masse* to defend themselves. The Government were not justified in telling those who opposed the measure, which they themselves said was not necessary, that they would be backward in resisting any real danger. Every day showed that the Government were not sincere in their anticipations of danger, dropping their demand from 70,000 down to 50,000, and then to 30,000; and he hoped that if the opposition were persevered in, it would end in this Militia Bill being given up altogether. And he would put it to the right hon. Gentlemen opposite, who were only the stepfathers of that measure, and did not deserve its unpopularity, for that rested wholly with the Whigs, whether, as it was so unpopular, and they did not want it till January, they would not do a wise and just thing by postponing it altogether till the meeting of the new Parliament?

VISCOUNT PALMERSTON: My hon. Friend the Member for the West Riding has appealed to me to know whether the Secretary at War, or any other Minister, ever brought forward a proposition in the Army or Navy Estimates for a number of men which the Government did not afterwards raise. I am quite prepared to tell him that that has occurred, and is very likely to occur again. There is nothing more likely than that a Government should begin the year with a proposal for a military establishment which circumstances might not afterwards render necessary to embody: hence it was that the terms of those Resolutions always ran, "any number not exceeding" 100,000 or 150,000, as the case might be; but if the circumstances of the country did not appear to the Government to require that full number, it was not raised. In such a proceeding there is nothing extraordinary, unparliamentary, or unconstitutional. My hon. Friend has stated that upon the last Government rests the whole responsibility of this measure—that upon the Whigs must rest its merits or demerits. As an humble member of that body, I thank him most cordially for the credit which he has given to us, for having had the boldness, as he would say—but as I call it the sense of duty, to make the proposition. I can assure my hon. Friend, that, so far from feeling any reproach from his remarks, I feel exceedingly proud that he has cast this responsibility upon us; but when he says the Committee laughs at him, and those who sit with him, for the course they are taking, I must confess that they do not laugh without some excuse. I think my hon. Friend must himself perceive that they have upon this Bill taken a very "wabbling" course. First, they complained of the hardship of the ballot—of dragging young men from their homes and their business—of compelling them to put on a red coat and to take up a musket, when they ought to be at their loom and in their working jackets; but when the Government propose to mitigate the severity of the Bill, and to render the ballot less necessary—they oppose the Government. I do not say they wish for the ballot—Oh no; Heaven forbid!—or that the country should be defended, for we all know that one of the organs of their party wishes the country to be conquered. If the ballot be proposed, they will not vote for it, and if it be not proposed, they say the Government is shrinking from a paramount and sacred duty. Their first objection is, that by the measure 80,000 or

100,000 men may be taken away from their homes and their business—that we are bringing them into a position in which their pure morals will be contaminated by having regularity instilled into their minds, and by subjecting them to some sort of discipline and subordination; and they say that such men would not be fit for the society of their less regulated brethren when they returned home. But the number of men is, after all, their great point. No sooner does the right hon. Home Secretary intimate that if less than 50,000 men should be raised by voluntary enlistment the first year—that is to say, the first instalment of the 80,000—if only 40,000 are raised this year, the Government would be content with having recourse to the ballot. Then the right hon. Gentleman (Mr. M. Gibson) and his Friends get up and exclaim against the smallness of the number. One time they say no militia at all is needed—at another that 40,000 men are not sufficient. Why, there is no pleasing those Gentlemen. Hit high, hit low, they equally complain of the infliction, although that infliction is a material step towards the defence of their country; and in the same breath they say the number of men you propose to raise this year is too small. Now, there is a point I wish to put, and I would put it home to hon. Gentlemen who use this language. There is one man, and only one—some call him an "anonymous idiot"—some tell us to look for him at Colney Hatch, or in Hanwell. Now, I beg leave to ask the two hon. Members for Manchester whether they are sincere in calling the writer of that pamphlet, to which I have, on a former occasion, drawn the attention of the House, an idiot, and whether they think he is to be found at Colney Hatch or at Hanwell? If they concur in these expressions, I acquit them of any participation in the sentiment and language of the pamphlet; but if they do not disavow, once for all, the arguments, the objections, and the conclusions of the writer, I shall be complled to think that their real object in opposing this measure is not to relieve the country from any temporary pressure, but really to work out a pious fraud—by which this country may be subjected to the calamities of invasion and conquest as an atonement for the sins committed by us in our defensive wars, by which the independence of the country was attained, and that liberty secured which enables hon. Gentlemen now to oppose a Militia Bill.

Mr. BRIGHT said, that although the right hon. Gentlemen on the Treasury bench did not appear to understand their own Bill, or to be able to explain its objects, yet the noble Lord the Member for Tiverton appeared ready to come forward on all occasions to make a speech on their behalf, which, if not very argumentative or very consistent, was sure to raise the cheers of the right hon. Gentlemen on the Minisisterial benches. But he (Mr. Bright) should like to look at the facts of the case, and not to be put off with an extravaganza which the noble Lord on all occasions exhibited on this question. They started, at all events, with this one great fact, that the House had already voted 15,000,000*l.* this very Session for the defence of the country. No one on the Opposition side of the House had made any objection to that Vote. The noble Lord (Viscount Palmerston) pretended to argue that there was some mighty occasion which required the House to expend 350,000*l.* more for that defence, and which sum would change the position of this country from one of extreme risk to one of undoubted security. Having consented to vote 15,000,000*l.* for this object, he and his Friends wished to know why they should go a step further in that direction? There was this incoherency and inconsistency in the course pursued by the noble Lord the Member for Tiverton, and those whom he had taken under his patronage. The noble Lord was a Member of the Government in 1848, when it was proposed to raise a militia of 150,000 men. Well, in the beginning of the present Session the noble Lord at the head of the then Government proposed to raise 120,000 men; and now the right hon. Home Secretary of the present Government proposed to raise 80,000 men. At first, these 80,000 were to be raised immediately by the compulsory process of the ballot. ["No, no!"] Yes, certainly. It was only the other night that the right hon. Gentleman stated, that the compulsory clauses would not be acted upon till next year. Well, the right hon. Gentleman having divided the 80,000 into 50,000 for the first year, and 30,000 for the next year, now says that if he could raise 30,000 or 40,000 men this year (which meant 35,000) he would not think it necessary to introduce the ballot to raise the number to 50,000. Thus it appeared that the original ground on which the Bill was introduced had gradually frittered away. The Bill, in fact, had become ridiculous, as it had been from the beginning in the opinion of all military men. The noble Lord the Member for Tiverton had entered into a discussion of certain opinions put forward in some publications on this subject; but was there any man who would bind himself to the many absurd arguments that had been put forth in letters and paragraphs that had appeared in some of the most important newspapers on this question? He should like to see the men who had penned the opinions that had been expressed in the *Times* and the *Morning Chronicle* on this matter. Look, for instance, at the letter of the Earl of Ellesmere on the subject, written some three or four years ago. They all knew that this was a question upon which men took extreme views. Why, if the noble Lord took the New Testament or the books of divines, he would find views of peace expressed which would justify him in speaking in the same tone of those writers. In his (Mr. Bright's) opinion it was better to exhibit a strong enthusiasm for peace, than to stimulate men to all the atrocities of war. But the course taken by the noble Lord the Member for Tiverton this Session was one which reflected on him no credit as a statesman. Had he not given his sanction to events which had not only astonished, but had horrified all Europe and the world? It was quite consistent with the course which the noble Lord took on the 4th and 5th of December last, that he should ridicule men who stood up for peace in this country. But that man must know very little of the people of this country, and of their appreciation of the blessings of peace, who was not willing to stand up and speak and vote for peace, feeling perfectly unalarmed at the sneers and ridicule of the noble Lord. The House was in this position—that they were now in Committee on a Bill which had been opposed on the second reading, with one or two exceptions, by the representatives of every large town in Great Britain. That was a fact which they could not blot out of their records. The Bill was no doubt supported by the representatives of counties. But it was equally a fact beyond doubt that the distribution of these 350,000*l.* in bounties would be among the agricultural population, such as that by whom the hon. and learned Solicitor General had recently been elected. But, as far as regarded the great seats of population, industry, and progress, there were no persons to be found in favour of this Bill. But his belief was that if the Bill did pass, like some other Bills—like the Bill of last Session, for instance the Ecclesiastical Titles Bill—which had 438 votes for it, and 95 against it—it would prove an absurd thing, and a measure of no use. The Bill might pass, but it would not come into force, and their legislation of 1852 might be and would be as futile and as absurd as in 1851.

Mr. SIDNEY HERBERT said, he was desirous of calming the perturbation of the hon. Member for the West Riding (Mr. Cobden) as to that part of the country, where he had the honour of spending a few days last week. He was present at the sack of Devizes, and he left it a very well-regulated and cheerful town. The hon. Gentlemen told them they must be careful how they trained men for soldiers, because they had a disposition to make a noise with tea-trays and tea-kettles. If the hon. Gentleman would turn to the police reports of the metropolis he would find that similar freaks were played by persons of the least military disposition in the world—by medical students, and such other gentry. He would now say a word as to the clause. The proposition was to take 50,000 men this year, and 30,000 the next. And the right hon. Gentleman the Home Secretary said that if he did not get his 50,000, he would be satisfied with 40,000 rather than resort to compulsion. The right hon. Gentleman did not think that the want of 10,000 men would warrant harsh measures. But to say this, was no reason for charging him with having given up the urgency of the question. In taking the Estimates for the Army and the Navy, you mentioned a fixed force, which you already knew you could obtain. But it was a new force which was now about to be raised, and it was, therefore, difficult to say how many could be collected. He thought that the Government would have done better had they proposed that the number to be raised each year should be decided by the Queen in Council. The perfection of the force would be to take 16,000 men each year, so that only that number of raw recruits would be enlisted every year.

Captain TOWNSHEND said: I shall delay the Committee but a very short time by the few observations I have to offer; nor should I have trespassed on their attention at all, but that I am anxious to explain the reason for my voting against the second reading of this Bill, and to justify the course I have taken. I am altogether opposed to a Militia Bill in any shape, and the Bill intended to have been brought in by the noble Lord the Member for London would equally have been met with my disapproval. I will not enter into the details of the measure, which has already occupied a full share of time, but will simply state my conviction, that to meet the forces of France, should they ever gain footing on these shores, you must have disciplined troops, and not militiamen. I think a militia force will be expensive, unpopular, and useless. I am far from denying, after all the fears that have been expressed and reasons stated by persons competent to form a correct opinion, that some land force may not be necessary; for, however improbable the case may be, yet it certainly is possible, from some unaccountable caprice of the present despotic ruler of France, that some insult might be offered to us; and, therefore, it is incumbent upon us to take every precaution, by making some small addition to our present military force. I said I would not enter into a discussion on this subject; nor will I. The House decided, by a very large and unmistakeable majority, that a Militia Bill of some description should be brought in, and to that decision I bow, and have abstained from offering any factious opposition to the scheme, trusting that the Bill may be made as efficient as possible before it passes into a law. I cannot help, however, expressing my surprise that so little should have been said about the "wooden walls" of old England, which the country has ever regarded as its great bulwark and safeguard, and which, if they ever claimed its confidence, more than ever deserve it now, when the power of steam has given us a tenfold advantage over our neighbours; and I fearlessly assert that with a sufficient number of steamers employed, and a considerable reserve ready for immediate service if necessary, and by a proper and judicious distribution of these forces—all which might be easily and, comparatively speaking, economically arranged—we might defy, not only the machinations and threats of our neighbours, but of the whole maritime world. Sir, Her Majesty's Government, at the commencement of their taking office, asked for the forbearance, if not for the confidence, of the House. Now, Sir, in my humble opinion they have had the greatest forbearance shown to them; and as to confidence, they have forfeited all claim to it. I was present, Sir, when the Chancellor of the Exchequer brought forward the Budget. I listened to that speech with the greatest attention, and was struck by the temperate, able, and, as I thought, frank and ingenuous manner in which he explained his views. The cheers of this side of the House, and the long faces and deep silence of the other side, plainly intimated that it was a free-trade speech which was uttered by the right hon. Gentleman. Sir, I went away impressed with this idea in common with every Member of this House. I was, therefore, not a little surprised, and, I may add, not a little disgusted, to find, by what fell from the right hon. Gentleman a night or two afterwards, that no such meaning was implied. Sir, I take the liberty of telling that right hon. Gentleman that it is neither creditable to him as a Minister of the Crown, nor respectful to this House; and that it adds nothing to his reputation as a man of talent and undoubted literary attainments, to come down here on so interesting and important an occasion as the introduction of the Budget, in order to mystify and stultify every Member of this House, himself included, and to condescend to act the part of a political "Mawworm." This is not the way to gain the confidence of any party, or to add to his reputation as a public man. Sir, the time is not very remote—nay, it must be fresh in the recollection of most hon. Members—when the right hon. Gentleman, Session after Session, and night after night, assailed my late lamented Colleague (Sir Robert Peel) with every vituperative epithet that his fertile imagination could suggest, or his varied powers of sarcasm could command; when he taunted him in language that was hardly limited to Parliamentary usage, and which was repeated till at last it wearied the ears even of the most uncompromising advocates of Protection, and fell harmless on the devoted head of the victim of his indignation. If the right hon. Gentleman has any conscience, how bitterly it must reproach him for all this; and let me tell him the object which that lamented statesman had in view, and for which he made as great sacrifices as it was in human power to make, was not the ambition of office, and of adding "Right Honourable" to his name, but a far nobler one—that of abrogating an odious and an unjust law, giving cheap bread to the poorer classes, and adding to the few comforts that fall to their lot; and thus, by this last and greatest act of his political life, leaving behind him a name which is received with blessings by the present generation, and will be remembered with gratitude by millions yet unborn. Sir, until the right hon. Gentleman pursues a different line of policy to that which he has hitherto advocated, neither he nor the Government to which he belongs will have my confidence, my support, or my respect.

Mr. WAKLEY said, the Committee was told the force to be established was a new force; but though the ground for its establishment had been asked, it had never been told to Parliament. At this moment the rental of the four metropolitan counties was absorbed by the defences of the country. If, notwithstanding the 15,000,000*l.* that had been voted for the national defences, it were true that the nation was not sufficiently protected, the Government must have been very badly managed; and he asked who had been their chief manager for the last six years? Was it not the noble Lord the Member for Tiverton? He had been expecting the noble Lord to be at the head of a Radical Administration, but he had now given up all hope of that. But if the noble Lord believed the country to be in so defenceless a state, how could he remain so long in the Administration without taking any measures to put the country in a state of defence? Instead of that, he sat quietly in his seat, and never discovered the fact until just before he quitted office. With all his ability and experience the noble Lord had failed to show the necessity of this measure. He (Mr. Wakley) would persist to the last in his opposition to what he regarded as a most mischievous and wanton measure, as long as he had any one to divide with; but he trusted the Government would be persuaded to let it drop. He warned the Government that this measure would annoy, most of all, their friends the farmers, by making farm labourers scarce, and farm labour consequently more costly. After thirty-seven years' peace, he regarded the proposal as one of the most wanton ever made to Parliament, and he should give it every opposition in his power. The ground of fear of the Empire in France was gone; so were all the other grounds.

Viscount PALMERSTON said, he must say one word with respect to the charge the hon. Member who had last spoken had made against him, as to his not having opened his eyes till within the last few weeks or months to the necessity of measures for the increased defence of the country. He must remind his hon. Friend, that, during the Administration of Sir Robert Peel, when he (Lord Palmerston) was sitting on that side of the House, he had to the best of his ability urged on the Government to take into practical and serious consideration what he thought to be the defenceless state of the country; and he believed that what he had then urged had induced the Government to look with greater promptitude to that important subject. During the whole course of the time he was a Member of the late Government, he had urged constantly on his Colleagues the necessity of strengthening the defences of the country; and, though this measure was not produced till he had left or had ceased to belong to the Government, other measures were taken; and this country, he was happy to say, was in a very different position from that in which it had been when he first took the opportunity of drawing attention to it.

Mr. HUME would remind the noble Lord that he had very recently stated that there had been a decrease in the Army from 1839 to 1848. What was the noble Lord and his Colleagues about so to reduce the defences of the country? The fact was, the advocates of the measure shifted their ground perpetually. It appeared to him (Mr. Hume) that they were going to vote this force without any adequate reason. He, however, would keep to his original objection — the cost; and he would not vote a shilling more than the 15,000,000*l.* already voted until he was satisfied of the absolute necessity of the measure. He admitted he had been a little drowsy sometimes when sitting behind his friends on the other side of the House in looking after these matters, as he had expected the Government to practise economy; but now he was determined, as far as possible, to prevent waste of the surplus, which the right hon. Chancellor of the Exchequer would be enabled to appropriate to the public relief from taxes. The feeling of the country was against the Militia Bill, and that Government would be the most popular which would most effectually relieve the taxpayers. He considered that the present Government were now the only guilty parties with respect to the Militia Bill, for the noble Lord (Lord John Russell) had absolved himself from guilt by giving up the Bill altogether. He could not think the present Government would copy the doings of the last Government. They would not, he was satisfied, pass Ecclesiastical Titles Bills, and then become the laughing-stock of the country for abstaining to carry out the provisions. He considered, if the Militia Bill was passed, it would never be carried out; and he therefore implored the Government to pause before they went further with it. If they persevered, it would produce unpopularity; and the right hon. Gentleman the Chancellor of the Exchequer must look to becoming an unpopular Minister.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 84; Noes 41: Majority 43.

Sir HARRY VERNEY moved, as an Amendment, to omit the provision offering a bounty to recruits on enlisting. It had been well objected to the Bill, that the bounty system would act injuriously as regarded the regular Army. He believed that men who had health and strength would come forward and offer their services. If they would be prepared to act in case of immediate danger, they would also come forward to receive that amount of training which would render them efficient when a necessity arose for actual service. For certain periods of the year, militia training could be carried into effect in agricultural districts; especially in that with which he was personally acquainted, without any inconvenience; for example, from about the 7th of May to the 7th of June, and from the 1st of November until about Christmas. He knew a large body of young men who, instead of a burden and annoyance, would find it a pleasure and enjoyment to be subjected for a certain period to military discipline. There were 2,000,000 militiamen in the United States raised by compulsion. Any man who did not serve was liable to be fined. Plenty of men, and better men too, could be got in this country without than with a bounty. Once raised and properly drilled, they would soon be fit to act by the side of regular troops.

Amendment proposed, to leave out the words "such bounties or other."

The ATTORNEY GENERAL said, the hon. Gentleman proposed to omit everything respecting bounties out of this Bill, and (as he understood him) anticipated that persons would be so extremely enamoured of this service that they would press eagerly forward—persons, too, of a much higher and superior class than if bounties were offered—to enter the militia, so that any inducement would be wholly unnecessary. He must confess that the allusion to America was rather an unfortunate one. The hon. Member had stated that there were 2,000,000 of men who served in the United States without bounty. Well, but he (the Attorney General) had understood, and everybody had at first understood, that the hon. Member was going to say that the American system was one of voluntary and not compulsory enlistment. The hon. Gentleman, however, had explained that it was not voluntary at all, but that any man who did not serve was liable to a fine. This experiment, then, so far as it showed what was to be expected from the alleged zeal and anxiety for a service of this kind, could not be said to have been very well tested in America. [Sir Harry Verney: The fines are not paid, I believe.] Well, he could not say whether any system of repudiation existed as to these fines; but at any rate it was very unlike voluntary enlistment when men were liable to them. Now, under the 42 *Geo.* III. c. 90, volunteers were to be obtained by means of this very bounty to the extent of 6*l.*, or of a sum not exceeding 6*l.*—precisely the bounty proposed in this Bill. Just observe, however, how extremely inconsistent was the position in which the Committee was desired to place itself by adopting the Amendment of the hon. Gentleman. The Committee had heard over and over again that this ballot would be the most unpopular measure that could by possibility be imagined. Well, now, why would it be unpopular? Of course, because it would force men into the service. It would be unpopular, because men would dislike the service, and because the ballot would force them into a service they disliked. "But," said the hon. Gentleman, "you don't want a bounty to induce men to enter this service, because it will be so attractive that you will have more than sufficient volunteers to supply all your wants." The Government, however, were not entirely of that opinion. Hon. Gentlemen opposite were not of that opinion, either. They said that the service would be an unpopular one; and what did the Government say? Why, that they wished if possible to avoid the ballot; they did not wish to force persons into the service if they could tempt men into voluntary enlistment. They believed the militia service would not be so popular as to be attractive without a bounty; it had been the invariable practice to give a bounty; and, therefore, as they desired to make the ballot their last resort, they offered a bounty to volunteers, believing they would make up the requisite quota by volunteers, and thus avoid the ballot.

Mr. HUME said, he did not believe but that amongst the young men in towns and in the country nearly 500,000 could be found to enlist without bounty, and prepared at all times, without expense, to defend the nation against any unexpected insult, for he admitted he had no dread of any invasion. If the Government were sincere in their profession of a desire to infuse a martial spirit in the country, surely they should see how much might be elicited without the drawback of a pecuniary consideration. He could not understand why the Government should think of spending 700,000*l.* a year when the same force could be obtained by volunteers without any expense whatever. If the Government would pass a Bill authorising Her Majesty to accept the services of volunteers, allowing the men to go out to training at such times as would be convenient to themselves, he had no doubt that 500,000 men might be raised immediately; and as those who were once trained would never forget the use of arms, he had no doubt that in a short time they would have 1,000,000 men ready to defend the country.

Mr. MOWATT said, that on the contrary, he did not think the Government would fill up the ranks of the militia without the bounty, for then the whole thing would fall into hopeless ridicule. But, if the Government would accept the offers made to them, there would be no difficulty in raising volunteers to any extent, not merely to act as riflemen, but as regular infantry and cavalry. He had also heard a proposal from some persons to raise a corps of light horse artillery. By giving a little encouragement to these persons, the Government could have gradually drawn this volunteer body under the operation of a regular code of discipline.

Mr. MILNER GIBSON said, that the supporters of the Bill showed little favour towards it—the hon. Member for Haddingtonshire (Mr. Charteris) having an Amendment on the paper to get rid of the ballot, and the hon. Member for Bedford (Sir H. Verney) now proposed an Amendment to get rid of the bounty. He was delighted to have the opportunity of voting in the same lobby with an advocate of the Bill, as he should support the Amendments,

The Attorney General

because he objected to squandering so large a sum of money as 500,000*l.* in giving bounties for this force. If a man who had received the bounty were missing from training and exercise, what was the mode of proceeding against him? The United States had a militia, but they had a standing army of only 9,000 men, and did not, like Great Britain, spend 15,000,000*l.* a year in their military and naval defences. This was a sum equal to the expenditure not only of the general Government of the United States, but also, he believed, of the particular Government of every State in the Union. The United States militia was a muster roll of all the male inhabitants for three days in the year, not consecutive days, and the occasion was regarded as a sort of holiday. Any man might absent himself on the payment of a fine of seventy-five cents, and in the New England States the muster was entirely discontinued. The decadence of the militia system in the United States was notorious, and it was admitted that it presented no features of military organisation.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:* The numbers were—Ayes 95; Noes 55: Majority 40.

Clause agreed to.

Clause 11 (Secretary at War may make Regulations).

Mr. MILNER GIBSON wished to ask the hon. and learned Attorney General what steps were to be taken to enforce the attendance of militiamen?

The ATTORNEY GENERAL said, that if a militiaman did not appear when called out, he would be taken before a magistrate and fined 10*l.* if they caught him —[*Laughter*]—of course, if they did not catch him, he would not be fined. But supposing he was caught, he would be liable to this penalty, and in default of payment he would be committed for six months to the house of correction.

Mr. WALPOLE said, the Secretary at War would have a discretionary power as to the payment of the bounties. If the money was to be paid down, it was provided that the whole bounty should not exceed 6*l.*; or if it were to be paid periodically, it did not exceed 2*s.* 6*d.* per month. He might state that the Government expected to raise the men at bounties that might not exceed 4*l.* in all, or if they were paid periodically, at sums not exceeding 2*s.* per month. His reasons for coming to this conclusion were, first, that soldiers enlisted in the Army for a bounty nominally of 4*l.*, but in reality only 12*s.*, for 3*l.* 8*s.* was deducted from their bounty money to supply their kit; so that if a soldier enlisted for 12*s.*, he thought there would be little difficulty in obtaining militiamen for 4*l.*, which the Government would be able to give without deduction, as the militiaman did not require the necessaries that were required for the soldier. Another reason for his coming to that conclusion was, that in 1831, which was the last time the Militia Act was put in force, 770 men were required for Middlesex, and upwards of 700 were raised by bounties of 3*l.* If 3*l.* was sufficient in 1831, he had no doubt that 4*l.* would be sufficient now.

Mr. MOWATT said, he wished to know what the equipment of the militia would cost in addition to the bounty? He also wished to know how they proposed to deal with the men that did not appear when called out?

Mr. WALPOLE said, that in addition to the penalties which his hon. and learned Friend the Attorney General had pointed out, there would be this security, that if the bounty was paid monthly, the men would appear in order to get their money; and if it were to be paid down, it would be in the discretion of the Secretary at War not to pay it down all at once, but in such times, modes, and conditions as would be most likely to secure attendance.

Mr. RICH said, there had been so much uncertainty with regard to the application or non-application of the ballot, that he felt the Committee would be reposing too large a discretionary power in the hands of the Secretary at War, if they permitted him to give so large a bounty as 6*l.* It was true that the right hon. Gentleman the Secretary for the Home Department said that the bounty really given would not exceed 3*l.* or 4*l.* [Mr. Walpole: I said, may not exceed.] Well, the right hon. Gentleman hoped that it might not exceed 3*l.* or 4*l.* He (Mr. Rich) could not, therefore, see the necessity for leaving with the Secretary at War a discretionary power of raising the bounty to 6*l.* If the Bill had been maturely considered by the Government, and were intended to be a permanent measure, the case would stand on a different footing; but, as the whole matter was to come under the consideration of Parliament in the winter, he saw no reason for placing the figure of the bounty so high as 6*l.* In fact, the bounty might amount to as much as 7*l.* 10*s.*, for 2*s.* 6*d.* a month for five years would make that sum. Now, if so high a bounty was to be given to the militia, what would they do for recruits for the regular Army? Practically, the bounty to a recruit on entering the Army, in which he must serve ten years, was 12*s.*, yet the militiaman was to get 7*l.* 10*s.* as a bounty for fifteen weeks' service, while the hard-working soldier had 525 weeks' service. The consequence of this arrangement would be, that they would be obliged to raise the bounty for the Army, for if that were not done a young man would enlist in the militia, serve in it for a year, receive his 30*s.* in hard cash, and then, perhaps, volunteer into the Army. The right hon. Gentleman the Home Secretary said that the militia would be a nursery for the Army, and an encouragement to it. It might be so; but it would be at the expense of the public purse. A force of 80,000 men, raised at a bounty of 7*l.* 10*s.* each, would cost, under that head alone, the enormous sum of 600,000*l.*. involving an annual expense of 120,000*l.* For less than that sum a reserve force might be added to the regular Army of 14,000 of the most efficient soldiers in the world. We had now an Army of 140,000 men, and of these from 30,000 to 40,000 had engaged to serve for twelve years. Many of these men were anxious to quit the Army, and paid 5*l.*, or even 10*l.*, for their discharge. Now, if a promise were held out to these men, that after twelve years' service they should have 6*d.* a day pension, with the understanding that they should serve twenty years in a reserve force, an infinitely better force would be organised, at an infinitely less cost than would be squandered upon bounties to the militia, and a large reserve might be gradually formed. But the special ground on which he objected to the retention of the words "six pounds" in the clause was, that it would very seriously interfere with the recruiting for the regular Army. It was true that the clause said "such bounty in no case to exceed six pounds;" but the words "not exceeding" were always construed to mean the full amount specified. He had had some experience in these matters, and he believed that when a salary was granted "not exceeding" a certain sum, it always reached that limit. Feeling, therefore, that they had no right to create a jealous feeling in the Army, and that it was a most injudicious thing to raise false expectations in the minds of those who were entering into the militia—looking upon the Bill merely as a provisional measure, and bearing in mind also that it had in many essential points been departed from, he thought the Committee would agree with him that the bounty given to men in consideration of their enlisting in the militia should in no case exceed that now given to men enlisting in Her Majesty's regiments of the line. He should, therefore, move an Amendment to that effect.

Amendment proposed—

"P. 5, l. 1, after the word 'exceed,' to insert the words 'either by immediate or periodical payment or allowance, that which is now payable to Recruits on enlistment in Her Majesty's Regiments of the Line.'"

Mr. BERESFORD begged to remind the hon. Member for Richmond that a militiaman could not go into the line when he thought proper. If he enlisted as a militiaman he must serve in that capacity, unless men were wanted for the line; and then, and then only, he might be allowed to enter. He begged also to say that there never existed any intention of making the actual bounty paid 6*l.*; and, with regard to the 7*l.* 10*s.* which was to be paid by instalments of 2*s.* 6*d.* a month, it must be remembered that that payment would be spread over a large space of time. It was very well known that temporary employments were remunerated at a higher rate than permanent employments. When a recruit was taken for a soldier, he was taken for a long period; but a militiaman was taken for a much shorter time, and therefore it was but fair that he should have rather the advantage in point of bounty. The Secretary at War, whoever he might be, ought to have a discretionary power to regulate the sums given by way of bounty, which it might be necessary to vary in different years.

Sir De LACY EVANS said, he was of opinion that a sound distinction had been taken between temporary and permanent employments, but the principle applied to the pay, and not to the bounty. He really was at a loss to know why a militiaman should receive a bounty of 7*l.* 10*s.* for very slight service. The Army recruit received nominally a bounty of only 4*l.*, and out of that he got but 12*s.* in money, and the rest in necessaries. He believed the effect of this provision would be, instead of strengthening our real defences, seriously to weaken them.

Major BERESFORD said, the effect of the hon. Gentleman's plan would be to draft off from the Army the very best soldiers at the time they were most valuable; and an illustrious Commander had protested against any means being introduced which would have the effect of inducing men to leave the Army after they had been only a short time in the service.

Mr. STANFORD had not heard any reasons given for so large a bounty as was proposed. He would strongly urge that the amount be 4*l.*, of which 1*l.* should be paid in hand at once, to meet the wants, perhaps, of the family during the man's absence, and 3*l.* at the end of the period of service. That would be more likely to secure his services throughout the period. He hoped the hon. Gentleman (Mr. Rich) would have no objections to incorporate his suggestion with the Amendment which he had moved.

Mr. RICH said, the only object he had in view, was, to prevent the militiaman from standing in a better position than the regular soldier. He would remind the right hon. Secretary at War that the period of service was reduced to ten years, and that the men enlisted for no more.

Mr. BRIGHT wished to know what was to be the amount of bounty paid in cash to the militiaman, and were there to be any deductions?

Mr. BERESFORD said, that the militiaman would receive the whole of the bounty; he was to serve but for a very limited time, a kit would not be required, and therefore nothing would have to be deducted on that account.

Colonel RAWDON said, he had not obtruded his opinion before upon the House in connexion with this Bill, because the Government appeared to consider it necessary, although he himself thought it was throwing so much money away. But the present point, which placed the militia and the Army in so great a contrast, was far too serious to be lightly passed over, and he entreated the attention of the Committee to it.

Captain BOLDERO said, that in former times the kit was deducted out of the pay of the soldiers, which, therefore, kept them low for eight or nine months, and caused great discontent; the 4*l.* was afterwards given to do away with that, and with no view of bounty, although it was so called, and sometimes so misunderstood. He would ask any hon. Gentleman opposite if he really thought that they could raise the number of men proposed without the bounty? [Mr. Hume: Yes, I do.] He did not think that the hon. Gentleman would find one military man in the service to agree with him in that opinion. The militia was a temporary service, and of course more money must be paid for it than for the regular service, which was a permanency.

Mr. HUME was still of opinion that, by encouraging volunteer and rifle corps, the Government might have raised the force which they wished for, without squandering the public money in the manner now proposed. Would the hon. and gallant Gentleman who had just sat down say whether he thought there would be any difficulty in getting together 100,000, or even 200,000 volunteers in the space of one month, supposing an emergency should arise?

Mr. WALPOLE said, that, supposing volunteers were wanted at an emergency, he believed they could be got together even in as great numbers as the hon. Gentleman had mentioned. The object of this Bill, however, was not to raise a force for an immediate emergency, but to provide the nucleus of a force which might be turned into a regular army at any moment when the occasion arose. Now, the essence of a volunteer corps was, that a man might leave it at any moment he chose—there was no hold on him; and for that reason, he thought it was impossible to form a force such as he had described, and such as he considered was required, out of a volunteer corps.

Mr. MOWATT said, he must protest against the injustice done to the regular soldier in putting a bounty of *7l. 10s.*—as it appeared now the bounty would really amount to—given to a militiaman against the *12s.* which he received. If the militia were not, as had been remarked by the hon. and gallant Gentleman opposite (Capt. Boldero), a permanency, it must be taken into consideration that the duty was very light. The relative amounts were out of all proportion with the service required, and he thought, if the bounty were reduced to the half of *7l. 10s.*, it would be quite sufficient.

Captain BOLDERO said, he must repeat that they would not get men to leave their work, and volunteer into the militia, without paying them for it.

Mr. MILNER GIBSON said, he wished to know the point on which they were about to divide. He understood his hon. Friend (Mr. Rich) to say that the system of bounty to the militia would interfere with the recruiting for the Army. On that subject he would refer to the evidence of General Brown, the head of the recruiting department, before the Committee on the Army, Navy, and Ordnance, and which touched on the question of the difficulty of procuring recruits for the Army. He was asked by the right hon. Baronet the Member for Ripon (Sir J. Graham) if there was any unwillingness on the part of the pensioners to induce young men to enter the Army; and the answer of General Brown was that there was not, but that there was a great unwillingness on the part of young men to enter. On this the right hon. Baronet asked if they were not, in fact, seduced to enter, and whether a system of crimping was not employed; to which General Brown replied, that they seldom got any one to enter the Army who could do better. The right hon. Baronet then inquired why the pensioners could not recruit in their own parishes; and General Brown answered that if they did so, the villages would be too hot to hold them, and that the old women would beat any one out of the field who tried to enlist young men. That evidence showed that the difficulty of recruiting for the Army would be increased by holding out a higher bounty to the militiaman, who would of course be prevented entering the Army for five years; the same class of men being likely to enlist for the militia as usually entered the Army. He should vote for the plan of his hon. Friend the Member for Richmond, as being the least expensive, and best calculated to meet the object required.

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 99; Noes 164: Majority 65.

On the Question that the words "six pounds" be inserted as the maximum sum sum to be offered to volunteers by way of bounty,

Mr. BRIGHT said, that by the Bill it was proposed to give a bounty to the militiaman not exceeding *6l.*, or rather of *7l. 10s.*, as the bounty would be spread over five years, it not being considered advisable to give so much as *6l.* at once, as it might be an inducement to a man to abscond. Now that bounty would involve a cost of *600,000l.* The right hon. Gentleman the Secretary at War had stated that there were things required to equip the militia, which must be paid for besides the bounty; such as uniforms, arms, accoutrements, shoes, &c.; but the right hon. Gentleman had not told them what the expenditure on that account would be. They ought to know the whole sum they would be called on to vote if a force of 80,000 men was to be raised. He (Mr. Bright) thought that it would require *5l.* a man to provide him with such things as were necessary for his equipment, which would be 400,000*l.* more, making a sum of 1,000,000*l.*, besides the pay, which the Committee was invited by the Government to pledge themselves to vote on a case the lamest and weakest that was ever offered to them in favour of a vote of such magnitude. He must insist on knowing more on this subject from the Government. Let the right hon. Chancellor of the Exchequer, whose main business it was never to part with the public money unless for some irresistible reason, state what it was for which this 1,000,000*l.* of money was to be voted. He (Mr. Bright) would not vote in the dark such a sum. The Government were guilty of the most reprehensible abandonment of their duty in calling on the Committee to vote 1,000,000*l.* sterling on a force which the country did not think necessary, when they could have left the subject to be considered by the New Parliament in the autumn, or next February, when it could have been more calmly and efficiently discussed. He called on the right hon. Gentleman to afford the Committee the most minute and unequivocal information with regard to the sum they were called on to vote.

Mr. WALPOLE said, when his right hon. Friend the Chancellor of the Exchequer brought forward his Budget, he stated the sum that would be required for the militia for the present year would be 350,000*l.*, and credit was given for that sum. The hon. Gentleman (Mr. Bright) said, and wished it to go forth to the country, that the Government were about to spend 1,000,000*l.* on the militia for the year 1853, when he was aware that that statement was not accurate.

Mr. BRIGHT said, he had never stated anything of the kind. How could he have said so, when he went into the question of the 7*l.* 10*s.* bounty, which was to be spread over five years, and multiplied it by 80,000*l.*, the number of men to be raised. What he said was, that the sum to be ultimately expended would be 1,000,000*l.*, and he never for a moment thought it was to be the expenditure for a year. He never supported his case by misrepresenting that of his opponents, and he was not so wanting in sense as to make a statement which the right hon. Gentleman could overturn as soon as he rose.

Mr. WALPOLE said, he did not very clearly see the force of the hon. Gentleman's remarks, if he did not mean to say that the 1,000,000*l.* was to be spent during the first year. But in reply to his question as to what the expense was likely to be, he begged to repeat that his right hon. Friend the Chancellor of the Exchequer had estimated the first year's expense at 350,000*l.* When he (Mr. Walpole) asked leave to bring in the Bill, he stated exactly what he believed would be the probable expense of the militia for five years; for it was necessary to spread the expense over the whole period in order to ascertain properly the pressure of the burden, since a large portion of the sum which was paid during the first year would operate, of course, so as to reduce the expense for the succeeding years. Since he made that statement he had made inquiry, and found that arms for 50,000 men, and accoutrements for nearly as many, could be furnished without any expense whatever to the country. On the occasion to which he had referred, he stated—and he had gone over the figures again, and had confirmed his opinion—that the equipments, the pay of men and officers, and sundry allowances—supposing 50,000 men raised —would amount to 210,000*l.*; that the expense for the same purpose during the second year might be put down at 210,000*l.* more; but that the expense for each of the remaining three years would amount to only 160,000*l.*, but say 165,000*l.*; making altogether, in round numbers, 915,000*l.* To this there remained to be added the bounty, which, from the first, he calculated at only 3*l.* per man (not 6*l.*); and he still believed, notwithstanding all the assertions that had been made that night to the contrary, that they would be able to procure men at little more than 3*l.* per man. This would amount to 240,000*l.*, which, added to the 915,000*l.*, would make a total of 1,155,000*l.*, or say 1,200,000*l.*, as the expense of the militia force for five years. Supposing that the system of increased periodical payment was adopted in the case of all the men, instead of the bounty, the expense would be somewhat larger, but he thought that, even if it should be, it would be regarded as a good insurance for the rest of their money.

Colonel SIBTHORP said, he must congratulate the hon. Member for Manchester (Mr. Bright) on the various questions on which he condescended to touch. He had asserted that the men would take the bounty and desert, but he (Colonel Sibthorp) was confident that his countrymen were proof against the inducements thus held out to them by the hon. Member for Manchester. ["Order!"]

The CHAIRMAN said, the hon. and gallant Member was pursuing a line of argument which was not consistent with due respect to the House.

Colonel SIBTHORP was sorry to be impelled into the use of strong language, but he could scarcely avoid it when he heard such libels on the character of the people of this country.

Sir FRANCIS BARING wished the right hon. Gentleman the Home Secretary would inform the Committee what was the estimated expense which would fall on the county poor-rate.

Mr. WALPOLE said, he had made inquiries with a view to ascertain what had been the expense of the machinery of the ballot when the militia were last called out, but he had been unable to obtain any accurate information on the subject. He had made his calculations of expenditure on the supposition that the full amount of bounty would be paid; but if the whole number of men required were not obtained by voluntary enlistment, and it was found necessary to resort to the ballot, there would be of course a saving of the bounty.

Mr. CARDWELL said, that the right hon. Gentleman had estimated the bounty at 3*l.* per man; but he (Mr. Cardwell) believed the Government would give the maximum bounty of 6*l.* before they had recourse to the ballot. If then, for half the number of men required, a bounty of 6*l.* per man was paid, the sum expended would equal the amount calculated by the right hon. Gentleman for the whole number at 3*l.* per man.

Mr. MOWATT said, the right hon. Gentleman had estimated the probable expense of the militia force, for five years, at about 1,200,000*l.*, but the country might be put to much greater expense. The Government would take power under the Bill to pay 2*s.* 6*d.* a month as bounty to each man for the whole period of five years. The maximum bounty would, therefore, by 7*l.* 10*s.*, instead of 6*l.*, and would amount to a total sum of 600,000*l.* He thought, although they were told there were arms and accoutrements in store for 50,000 men, the probability was that many of them were good for nothing, and that he might fairly estimate the expense for arms, accoutrements, and clothing, at 5*l.* per man, which would give a further expenditure of 400,000*l.* It must also be remembered that for the twenty-one days in each year when the militia were called out for duty, every private would be entitled at least to receive a guinea—so that for the five years there would thus be a further cost of five guineas for each private soldier, without taking into account the pay of staff-officers and other contingent expenses.

Motion made, and Question put, "That the blank be filled up with 'six pounds.'"

The Committee *divided*:—Ayes 186, Noes 80: Majority 106.

Mr. JACOB BELL said, he should move to report progress.

Mr. WALPOLE said, he must object to the Motion; it was then only half-past eleven o'clock, and if the Committee would consent to sit a little longer, he, on the part of the Government, would agree not to proceed with any of the compulsory clauses that night.

Mr. MOWATT said, he should support the Motion for reporting progress, on the ground that the House had already been in Committee six hours and a half.

Mr. MILNER GIBSON said, there was one important matter which it was very necessary that the Committee should consider with the utmost care—he meant the list of exemptions. Before proceeding to enact that compulsory military service should be resorted to, it was only right, he thought, that they should decide who were the persons liable to serve, and clearly define the exemptions.

The CHANCELLOR of the EXCHEQUER said, the question now before the Committee was, whether they should stop the proceedings at this stage, it being only half-past eleven o'clock. As to the statement of the hon. Member (Mr. Mowatt) that they had been sitting on the Bill six hours and a half, hon. Gentlemen on both sides of the House must know that it was necessary to be prepared on important questions to undergo much greater fatigue than that. Besides, the Committee had not shown any symptoms of fatigue, and as it was really an early hour, the proposition to adjourn was, he thought, a wanton one. With regard to the information required by the right hon. Member for Manchester (Mr. M. Gibson), that was a point which did not arise on the present clause of the Bill.

Clause, as amended, ordered to stand part of the Bill; as were also Clauses 12 and 13.

House resumed.

Committee reported progress.

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Friday, May 17, 1852.

MINUTES.] PUBLIC BILLS.—1ª Property Tax Continuance; Registration of Births, Deaths, and Marriages; Commons Inclosure Acts Extension; Turnpike Roads (Ireland); Stamp Duties (Ireland) Continuance.

2ª Stock in Trade; Highway Rates; Ecclesiastical Jurisdiction; Protestant Dissenters.

3ª Colonial Bishops; Repayment of Advances (Ireland) Acts Amendment.

BRITISH SUBJECTS ABROAD.

CASE OF MR. MURRAY—MESSRS. WINGATE AND OTHERS—MR. MATHER.

The DUKE of ARGYLL: My Lords, I wish to ask the noble Secretary for Foreign Affairs a question, of which I have not given him previous notice, and which I will put on another occasion if the noble Earl has any objection to answer it now. Your Lordships will probably have seen in the public papers a statement to the effect that a person of the name of Murray, a subject of the English Crown, has been kept in prison at Rome for the space of, I think it is said, two or three years, without trial; that he was accused of a criminal offence; and that he has recently been found guilty and sentenced to death. My Lords, this is a somewhat extraordinary statement with reference to a British subject, and I am anxious to ask the noble Earl whether any communication or application has been made to him on the part of the friends of this gentleman, or from our consular agent at Rome, who is the only channel of communication we have with that State? Is the noble Earl able to give us any explanation of the circumstances under which that gentleman has suffered for so long a time, and the circumstances under which he has been brought to trial? It has been stated that the trial, which terminated in his being sentenced to death, was a secret one; that he was not allowed to confront the witnesses who gave evidence against him. In short, it would appear that the whole proceedings were such as not to inspire the English public with any confidence that justice has been done to their countryman.

The EARL of MALMESBURY: My Lords, I beg to state that I am exceedingly obliged to the noble Duke for the opportunity he has given me of explaining what I myself have observed in some of the public journals with some pain. The facts of the case to which the noble Duke has alluded are these, as far as I am informed:—About a week after I came into office—the first week, I think, in March—I received a despatch from Mr. Freeborn, our consul at Rome, stating that a gentleman of the name of Murray, the son of a meritorious officer formerly in Her Majesty's service, had been for something like thirty months confined in the common prison at Ancona upon a charge of murder; that he was charged with having committed, in common with a band of regular murderers, several murders in that part of the country; that he had not been brought to his trial before in consequence of the disturbed state of the country; but that he had been, in consequence of the representations of Mr. Moore, removed from the prison at Ancona to the prison at Rome. Upon this, Mr. Freeborn waited upon Cardinal Antonelli for the purpose of demanding that he should have a fair trial, and that justice should be done him. Cardinal Antonelli promised at the time that justice should be done to him. I have since received a despatch from Mr. Freeborn, stating the arrival of Mr. Murray at Rome. Immediately on receiving the first despatch, I wrote to Mr. Freeborn, requesting that he would use his utmost endeavours to get fair play done to this gentleman, and desiring him to watch the proceedings, and take care that no injustice should be done to him. The next information I had upon the matter was what I read in the public papers. Mr. Freeborn has not furnished me with any further information upon the subject, nor have I seen in regular course any information which has reached us from our Chargé d'Affaires at Florence. Your Lordships, of course, are aware of the very anomalous position in which we stand with regard to Rome. It is only by a roundabout course, by a sort of underhand way, unworthy certainly of a great country like this, that we are enabled to vindicate, with respect to Rome, that international law which it is my peculiar duty to see carried out between this and other nations. That is all I know upon the subject. Two months ago I wrote a despatch to Mr.

Freeborn couched in the strongest possible terms, directing him to see that this gentleman had fair play; and I have no objection whatever to lay the correspondence which has taken place on the table of the House.

The DUKE of ARGYLL: My Lords, I am entirely satisfied with the answer which the noble Earl has given, so far as he individually is concerned. It must be apparent to the House that if this gentleman had been in prison during the space of two or three years, as is stated in some of the public prints, without any remonstrance having been made on the part of the English Government, the noble Earl is not responsible, but those who preceded him in the office of Foreign Affairs. I now turn to another subject. I wish to ask my noble Friend opposite, whether he has any objection to produce those despatches which have passed between him and his predecessor at the Foreign Office and the Austrian Government, with respect to Messrs. Wingate, Smith, and Edwards, who were missionaries in Hungary. I observe, my Lords, that these papers have appeared in the public press, but they are not yet officially laid on the table of this House. I confess I shall peruse the correspondence with some curiosity. As far as I have been able to judge, the reply which has been given by my noble Friend opposite to the Austrian Government, in reference to these gentlemen, is far from satisfactory; and the answer which has been given by the Austrian Government I consider to be still less satisfactory. At the same time I do not wish to be misunderstood by the noble Earl opposite as to the spirit in which I put this question. Of course I am not anxious to deprecate any idea of hostility to Her Majesty's present Government as far as regards their home policy. I am not anxious to express any opinion at all to the House upon that policy, of which no human being knows anything whatever. But there is one thing I am anxious to deprecate, and that is the supposition that there is any party in this House that whoever may occupy the Foreign Office in this country—whatever political party that Minister may belong to—will not ever be anxious to vindicate the rights of British subjects abroad. I feel perfectly certain that whatever political party may be in power they will all be equally anxious to vindicate the rights of the British public; and to maintain inviolate those rights which it is the especial duty of the noble Earl and of the Foreign Office to defend.

The EARL of MALMESBURY: I am sorry to state that I am not able to produce the correspondence in question, as it is not yet complete. With respect to what the noble Duke has stated, as to the maintenance of the rights of British subjects, I beg to give him my most solemn assurance that there is nothing which I have so much at heart since I entered upon the duties of the office which I have now the honour to fill, as the faithful performance of that duty which especially devolves upon me, namely, that of maintaining inviolate the international law between this and other countries. If I understand my duty aright, it is not to argue with other countries as to any particular law which they may be pleased in their wisdom, or the reverse, to establish in their own dominions; but to see that that law is carried out fairly with respect to Her Majesty's subjects. That, I think, is my duty, and that duty I have endeavoured to discharge. Although the correspondence is not at this moment complete, yet when it is complete, I shall be happy to lay it upon the table of the House.

The MARQUESS of BREADALBANE: My Lords, a few weeks ago the noble Earl then Secretary for Foreign Affairs declared the case of these three missionaries to be a very hard one, and stated that, in his opinion, they were entitled to pecuniary compensation. That was also the opinion of my noble Friend (Earl Granville), declared in his place in Parliament. I therefore trust that the negotiations on this subject will be conducted in the same spirit as that which was exhibited by my noble Friend, and that the Austrian Government will not be allowed to escape from the consideration of its conduct on that occasion; and further, that it will not be allowed to exercise its arbitrary principles towards British subjects without our seriously entering a strong protest against it. These three missionaries were British subjects, exercising legitimate and legal functions in a purely Christian spirit, and for the purely Christian object of converting Jews to Christianity. They did not break any law of Austria whatever, and they had been allowed to exercise their functions without any blame or hindrance whatever, until the noble Earl and his friends came into power. Three weeks after the retirement of my noble Friend Lord Palmerston from office, this misconduct was manifested on the part of the Austrian Government. Had that nobleman still held the seals of the Foreign Office, your Lordships would never have heard of this misconduct on the part of the Austrian Government.

EARL FITZWILLIAM: It was my intention to ask a question of the noble Earl (the Earl of Malmesbury), which I asked of his noble predecessor at the commencement of the Session with respect to the case of Mr. Mather. The answer which I then received from my noble Friend (Earl Granville) was this—that the gentleman who complained of the injurious treatment which he had met with in Florence had referred the question to the consideration of the Florentine Government. The question which I now wish to put to the noble Secretary of State, is, whether any subsequent information has been received respecting the proceedings in that case, and whether there had been any correspondence with the Florentine or with the Austrian Government—though I hold the Tuscan Government to be responsible—since the period when this question was last put?

The EARL of MALMESBURY: The case is not quite settled, although I believe that it is very nearly so. Perhaps the noble Earl will allow me to defer answering his question until I am able to give him a complete account of what has taken place.

LORD STANLEY of ALDERLEY: No communication with regard to the case of Mr. Murray had been received at the Foreign Office previous to the retirement of Lord Palmerston. I have no doubt that the noble Earl (the Earl of Malmesbury) will always do his best to vindicate the rights of British subjects, and to claim from foreign countries the due and impartial administration of justice towards them; but it certainly does appear that the mode in which British subjects are treated by some of the Continental countries is regulated far more by the feelings which those Governments entertain towards those who are in power here, than by those feelings which ought to actuate them.

LORD CAMPBELL: My Lords, I rejoice exceedingly to hear the noble Earl opposite complaining of the vague and irregular condition of our diplomatic relations with the Court of Rome. Great disasters have accrued from that state of things, and I hope that the noble Earl's statement this evening will lead to its amendment. I can take upon myself, from my own personal knowledge, to state that our Consul at Rome, Mr. Freeborn, is a gentleman of great intelligence and respectability. I can also take upon myself to state that Mr. Petre, the *attaché* to our mission at Florence, is likewise a most intelligent and honourable man. But neither of these gentleman have that weight at the Court of Rome which ought to belong to the legitimate organs of this country. Therefore it is, my Lords, that the Court of Rome is abused as to the state of public opinion in this country; and to that circumstance we may ascribe the many disasters which of late years we have had to deplore. I believe that the Court of Rome is not indisposed to hear the truth; I believe that even in the highest quarters there is a desire to be well informed as to the state of public opinion among us; and if we had a regularly accredited agent at Rome, much good might be anticipated from such an appointment. I believe that the present unfortunate state of things is occasioned by an Amendment made by your Lordships in the Diplomatic Relations with Rome Bill. I may even say that I know that that Amendment has produced most disastrous effects. I have reason, however, to believe that a Minister from England would be gladly received at the Court of Rome, and that in laying before the Pope and Cardinal Antonelli, and the rest of the Roman Court, the real state of the Roman Catholics in England, as well as in Ireland, he would be listened to with respect; and I feel that if we were to take such a step a most salutary change in our relations with Rome would follow.

EMIGRATION TO SOUTH AUSTRALIA.

The EARL of HARROWBY moved, in pursuance of notice, for the following Returns:—

"1. A Return of Vessels, with Tonnage, and number of Emigrants—men, women, and children, specified—which have sailed from British ports for South Australia and Victoria respectively, from the 1st of September, 1851. 2. A similar return for the previous five years, severally. 3. A Return of the Money now at the disposal of the Emigration Commissioners for the purposes of emigration to those settlements. 4. For Copies of Letters addressed to Her Majesty's Secretaries of State for the Colonies, from the 1st of December last to the present time, on the subject of increased activity in supplying the great want of labour in the pastoral and agricultural districts of Australia, from Captain Stanley Carr, Chairman of the Committee of Australian Colonists."

His Lordship, who was very indistinctly heard, said that his object in calling for these returns was to learn the intentions and proceedings of Her Majesty's Ministers on the subject to which they referred. A great industrial revolution had occurred in the prospects of South Australia, owing to the recent discovery of gold within it, and the Colony was now exposed to great peril, owing to all its resources and energies being now diverted from its old into a new direction. There was a general feeling abroad that Her Majesty's Government had not taken any step at all in proportion to the sudden evil which had sprung up; and there was also another general feeling abroad, that Her Majesty's Government were pursuing a course which was injurious to the Colonies, by adhering to rules and regulations which were no longer applicable to the altered circumstances of the case. Hitherto there had been restrictions as to the number of children, and as to the classes from which emigrants were to be selected. There had also been provisions by which no emigrant from a town could be sent as such to South Australia. The feeling at present, however, so far as he could collect it, was, that the emigrant from the town made a better and more useful colonist than the emigrant from the agricultural districts. In regard to the emigration of children, parties in Australia would now rather have children than adults, inasmuch as the services of children were secured to their employers by their want of physical ability to dig for gold. He had heard that a considerable amount of money had been sent from the Australian Colonies to England to meet the expense of emigration; and yet it was a curious fact that rather less emigration to those Colonies was going on at present than was usual, in consequence of the great difficulties thrown in the way of emigration by the Emigration Commissioners. He dwelt on the importance of supplying those Colonies with labour, and observed that if the Commissioners would relax their rules and make their terms better known, there would be a large supply of labour from Yorkshire and Lancashire.

The Earl of DESART admitted the importance of the question which the noble Earl had just raised, and, as he did not wish the Government to be accused of mystery and vacillation in every department, proceeded to say a few words upon it. It was undoubtedly true that great apprehensions were entertained, and that much evil was expected to accrue from the abandonment of labour in the various occupations of all who were employed in Victoria and other parts of New South Wales. Her Majesty's Government, which had not a strong disposable force at its disposal in those colonies, had done its best to assist them in obviating this evil, and in preventing the desertion of seamen, who were abandoning their vessels to go to the gold diggings. The Secretary of State for the Colonies had informed the other House of Parliament the other night that a military force had been applied for, and that four service companies of the 59th regiment were about to be sent to those colonies. He also informed the House that the noble Duke at the head of the Admiralty had received a requisition, desiring that he would station at Melbourne one of Her Majesty's ships of war, and also troops, to render such assistance and protection to the authorities there as they might require. The noble Duke, in reply, had stated that directions should be sent to the commander of our naval force in that part of the world to assist the colonists in every way as far as he could. With regard to the statement of the noble Earl, that large sums had been sent from the colonies to promote emigration, it was undoubtedly true that from Victoria 173,000*l.* had been sent, which in the remainder of the year would involve the transmission of 11,000 persons to Victoria, that is, about six ships a month. There had also been received 67,000*l.* from New South Wales, and a sum from South Australia, which would warrant the sailing of two ships a month during the year. In consequence, there would be sent nearly ten ships a month to those colonies for the remainder of the year. At least, that was the present view of the Emigration Commissioners, who had the disposal of the funds which he had just mentioned. But on this part of the subject there was a question deserving of grave consideration. He was not sure that these emigrants might not be the very persons from whom great danger would arise. They were likely to be more subject to the gold fever than the old colonists; and the sudden influx of a great population, taken from those classes which were not too prompt to consider the real interests of the community, might tend to increase the very evils which it was meant to alleviate. At the same time, he felt that so much evil was likely to accrue from the abandonment of field labour, especially now, when it was known that we had such funds at our disposal for the promotion of emigration, that he considered it to be the duty of Government to facilitate the transmission of emigrants to the colonies, and to avail itself of all the means at its disposal to meet the evils which might arise from the labourers selected for emigration. At the same time, it might be considered questionable whether a labourer who left this country with a view of engaging in agricultural labour in the Australian Colonies, might not, from the high price which agricultural produce must soon command there, realise larger sums of money by confining himself to the productions of agriculture even than by going to the gold diggings. He might thus benefit himself, and contribute to a great public benefit, preventing the immense loss of capital which must ensue for the abandonment of the vast flocks which at present wandered unguarded over its extensive plains.

Lord PORTMAN thought it right that the attention of the noble Earl opposite should be drawn to the extreme stringency of the regulations which the Emigration Commissioners had laid down in reference to the emigrants sent to the colonies. Many of these were so minute that it was scarcely possible to comply with them; and to his certain knowledge many of them were complied with in such a manner that he thought the Commissioners would be very much disappointed if they had the certificates before them. Among other conditions, the emigrant was required to produce the register of his birth and baptism. Among those who came from rural parishes, this might be easy; but in the class of people to which these emigrants belonged, there were many who had great difficulty in ascertaining where that register was to be found; so that he thought this one of the requirements which might very advantageously be reconsidered. Another point concerned the very large payments required from mechanics, who were charged a much higher sum than agricultural labourers, though he took it they were required in the colony almost as much; and there could be no possible reason why one man should be charged for his passage as much as 8*l.* when another was charged only 1*l.* or 2*l.* Even the certificates required were excessively stringent, and, he knew very well, often signed by men who were not very scrupulous as to what they wrote about the character of the applicants. He believed that these and other regulations required the serious attention of the noble Earl opposite; and if he were prepared to send out this year such a number of emigrants as he had stated, he (Lord Portman) thought that the noble Earl would not be offended with him for offering him these suggestions.

Earl GREY concurred with the preceding speakers, that this was a question of the highest importance. The money to be expended on emigration was furnished by the colonies, and was to be expended for their benefit; it was derived from the purchases of land in consequence of an Act passed not long since, in which the principle was clearly laid down by Parliament, and had since been strictly acted on by the Emigration Commissioners—namely, that the money so raised should be expended in this country in sending out to the colonies emigrants of the best description. The instructions which he (Earl Grey) had issued to the Emigration Commissioners were these:—That the Commissioners were to consider themselves in the light of trustees for the colonies, bound to spend the money at their disposal so as to produce the largest possible amount of benefit to the colonies, and not to consider that object which he knew many landholders to be pressing on their attention—he meant the object of removing from this country those who, from their character, or from some other cause, were considered not to be a benefit, but an incumbrance to England. Those men, who were an incumbrance to society in England, would also be an incumbrance to it in the colonies; for he knew, from the accounts which he had received from various quarters, that the man who was idle and drunken in England would also be idle and drunken in the colonies. It was unquestionably true, that in spite of the severity of the existing regulations, there were attempts made to impose on the Commissioners, and to elude their vigilance, by false certificates. The Emigration Commissioners had resisted and would resist those attempts at imposition to the utmost, and would avail themselves of the power intrusted to them by the law to punish those guilty of such scandalous misconduct. His noble Friend behind him complained of the rule which had been established three or four years ago at the earnest request of the colonies themselves, demanding from mechanics a higher sum for passage than that demanded for agricultural labourers. He (Earl Grey) had consented, very much against his own opinion, to relax the rule which sent agricultural labourers almost exclusively as emigrants to these colonies, and had allowed a certain number of mechanics to be sent there at a higher rate of passage-money. The consequence was, that complaints soon reached him from all the colonies, stating that this change was an injudicious change, and that the mechanics, who had received almost a free passage on condition that they would go into the country districts on reaching Australia, thought no more of that promise, but hung about the towns, and became incumbrances to the colonies. Men were the creatures of habit, and those who had been accustomed to a town life, and to the advantages of society in towns, became discontented and disaffected when they were required to go into remote country districts, where they scarcely saw a human creature for weeks, and where their sole occupation was looking after sheep. To such colonies all accounts concurred in stating that agricultural labourers alone were of great advantage. It was found, too, that if a large number of children were embarked on board of ships, great sickness and mortality resulted, in spite of all the precautions which could be taken. It was found almost impossible, in a long voyage, such as to the Cape, to prevent sickness breaking out among children, and when it broke out among children it almost always extended to adults. That was the reason which induced the Commissioners to lay down the rule that not more than a certain number of children should be taken. He admitted, on the other hand, that the money sent from the colonies should be expended as rapidly as possible in sending emigrants back to them. He was not unaware of the danger to which the noble Earl had adverted; but he believed that it would be very much aggravated by any attempt to arrest the course of emigration. The instructions which he had given to the Commissioners were, that as fast as the money came in it should be expended. Since there had been of late greater demand for labour in in this country, it had been found that there was a material diminution of applications from the best class of emigrants; and the Commissioners had found it expedient to reduce the amount of deposit required. Should the present gold fever increase the desire for emigration, he hoped advantage would be taken of this circumstance on behalf of the colony. He thought the Commissioners might very fairly raise the proportion of charge which the emigrants themselves were required to contribute, so that the amount sent over from the colonies might secure a greater number of emigrants.

The Earl of DONOUGHMORE called their Lordships' attention to the candidates for emigration, who were now to be found in the Irish poorhouses. The class lying idle, and constituting a serious burden on the country in the unions of Ireland, were a fit class of emigrants to Australia, for this reason—that they could not get employment at home, that they were a dead weight on their fellow countrymen, and that they had no tie attaching them to their own country. In the union with which he was connected, in Tipperary, out of 600 paupers, 500 were young paupers, of both sexes; and it would be a manifest blessing to those paupers, and to the whole country, if facilities could be afforded to them for emigration to a land where they were undoubtedly in request. Great efforts had been made, by the establishment of agricultural schools in connexion with these workhouses, to render these paupers fit for the common duties of agricultural life; and, in his opinion, better emigrants as labourers, for a new country could not be found. It might be said that if these paupers were landed in New South Wales, they would at once rush to the gold diggings. He believed that the majority would; but that was only saying of them what might be said of every other class of emigrants now going out, for clearly no one was going to Australia for any other purpose.

Lord WODEHOUSE did not think the Australian colonists would thank the noble Earl very much for his suggestion. In considering this subject, their Lordships should not overlook the vast amount of wool imported from the colony into this country, and how necessary it was to the successful carrying on of our manufactures. If a large immediate emigration were contemplated, he believed they would not obtain emigrants, in the present temper of the inhabitants of this country as to emigration to Australia, unless they relaxed the present regulations in force. Having superintended the emigration of several families, which had been conducted strictly in conformity with the regulations of the Commissioners, he knew the extreme difficulty and also the expense of doing so. It was not merely the charge of 1*l.* or 2*l.* per head, but the provision of a considerable quantity of clothing, which, with the expense of sending them to the port of embarkation, amounted generally to from 4*l.* to 8*l.* a head. Men who could afford this were not to be obtained in great abundance for emigration; they were men whom he wished to retain in this country. He hoped that Government would lose no time in applying a speedy remedy; and if this were not done soon, there would be great danger of the wool-clip being lost, our imports of which article last year from Australia amounted to 40,000,000 lbs.

The DUKE of ARGYLL also agreed with Earl Grey in the general principle he had laid down, that the Commissioners were to be considered to a great extent as trustees for the benefit of the Colonies; but it certainly was a question whether the ordinary regulations of the Commissioners might not be relaxed with good effect at the present moment. The noble Earl seemed to wish that these regulations should be left to all time, exactly as they had existed when he himself quitted office. He (the Duke of Argyll) was interested in the matter as a landowner, anxious for the welfare of all persons with whom by his possessions he was connected. But he was very far from thinking that the Commissioners ought to look solely to the agricultural labourers. He would point to such a town as Paisley. There was in that manufacturing town severe periodical distress. The weavers at these times were utterly helpless, and at all times they were too numerous; and yet a rule had been laid down by the Commissioners that weavers should on no account be encouraged to emigrate. This regulation was enforced under the idea that a weaver who had passed his life in sedentary pursuits could not be a fit man for out-of-door labour in a colony. As regarded the Paisley weavers, this was the greatest possible mistake. The Paisley weavers alternated between agricultural and manufacturing employments; and he (the Duke of Argyll), in conjunction with another noble Lord, had of late years, in distressed times, very largely employed the weavers of that town in agricultural and other works, such as embanking the Clyle, in which they had proved most efficient workmen. Such a rule, therefore, was absurd. He would not injure the Colonies; but there were vast tracts and countries in Australia unoccupied, and teeming with resources, and the Legislature could benefit this country by relieving it of a surplus population without in any way doing any mischief to the established emigrants.

EARL GREY denied that he had insisted on maintaining the regulations unchanged. On the contrary, he had advised changes with a view to fixing rules according to the greater or lesser demand on the funds. The noble Duke might be quite correct in his account of the Paisley weavers; but then the Paisley weavers could not be such excellent agriculturists as the men who had never laboured at anything but agriculture; and the rule of the Commissioners was, therefore, only a rule for preferring those emigrants who were best fitted for the purposes for which the colony demanded emigrants. With respect to the suggestion of the Earl of Donoughmore, he had to say this: that a great opening had been offered to the paupers in Irish poorhouses, but that that opening had been stopped in consequence of unfair conduct of the boards of guardians. Large numbers were sent out from the poorhouses; but the guardians altogether departed from their agreements with the Commissioners as to the class of emigrants that were to be selected; and the consequence had been so many abuses at home, and such dissatisfaction in the colony, that no more could be taken from those districts.

The EARL of HARROWBY believed it to be quite true that men accustomed to sedentary labour were found adapted for agricultural improvement.

The EARL of SHAFTESBURY assured their Lordships that the best shepherd who ever went out from this country to Australia was a Spitalfields weaver.

On Question, *Resolved* in the *Affirmative.*

PROTESTANT DISSENTERS' BILL.

The BISHOP of SALISBURY, in moving the Second Reading of the Bill, said it was not a new measure, but had formed part of a Bill of a comprehensive nature, introduced in 1845 by the noble and learned Lord who then filled the office of Lord Chancellor (Lord Lyndhurst), and also of a measure on the same subject afterwards introduced by the noble and learned Lord who succeeded him (Lord Cottenham). One of these measures passed their Lordships' House, and therefore the Bill which he had now the honour to present, had, in fact, already obtained their Lordships' approval. At all events, a measure coming before their Lordships, which had successively obtained the sanction of those two most eminent lawyers, could hardly fail to approve itself to their Lordships. The object of the Bill was simply this: At the time when toleration was first extended to the worship of Protestants dissenting from the Church of England in this country, in the first year of King William III., by the Act of Toleration it was provided that any congregation wishing to take advantage of that privilege, then for the first time conceded to them, should register their place of meeting either in the court of the archdeacon or bishop of the diocese in which the meeting was held, or before the clerk of the peace for the county. The reason why that registration was required to be made in the ecclesiastical courts of the diocese, he conceived to be this—that inasmuch as, by the operation of the measure then passed, Protestant Dissenters were for the first time relieved from the penalties of various statutes, amongst others of the Act of Uniformity, of which those ecclesiastical courts and the bishops might naturally be considered the more especial guardians, therefore it was thought fitting that due notice should be given to those officers, in order that the congregations might not be subjected to the penalties which would still attach to such as neglected to make that registration. He conceived that the lapse of time and change of circumstances made it no longer necessary or desirable that regulations of that kind, however proper they might once have been, should now be continued. He conceived it was not now the desire of any person to subject Protestant Dissenters meeting peaceably to worship God according to their own consciences, to penalties to be inflicted by any court. Much as the members of the Established Church might regret that any portion of their fellow-subjects should be separated from them by religious differences, and refuse to conform to that which they deemed the more excellent way, they did not wish that on that ground they should be subjected to any penalties either in the civil or ecclesiastical courts. His right reverend Friends near him, therefore, did not desire that that registration should continue to be made in their ecclesiastical courts. They conceived that they acted more entirely in the spirit of that enlightened toleration of which the recited Act was the first beginning, in providing that that right of meeting for the worship of God which Dissenters enjoyed as a civil privilege, should be the subject of registration, not in the ecclesiastical but the civil courts. He proposed therefore that these places of worship should in future be so registered by the clerks of the peace, which would be in unison with the principles of the most complete toleration, and, as he presumed, agreeable to the feelings and wishes of the persons concerned. Such a Bill could not fail to be, on these grounds, acceptable to the Dissenters themselves; but it was also desired by himself and his right rev. Friends, that they should be relieved from functions which they did not believe properly attached to them, and which gave rise to misapprehensions, which it was desirable to remove. The provision of the law was, as he had stated, simply a registration, which the parties concerned were entitled to make, and also to require a certificate of this having been done to be given them. But in common parlance places of worship so registered were spoken of as "licensed," and the certificate of registration, which runs in the bishop's name, was called "the licence." From this many persons supposed, especially among the rural population, that the preachers in these places of worship were licensed for their office by the bishop. He believed that an undue use was not unfrequently made of this mistake among ignorant people. At all events, while they (the bishops) did not wish to put any obstacle in the way of the exercise of a privilege which the law allowed, they did not, on the other hand, desire to appear to be responsible for erroneous teaching. And this feeling was further strengthened by the very indefinite sense in which the words "Protestant Dissenters" were used. The Socialists registered the places in which they disseminated their doctrine of infidelity and immorality under the title of "Protestant Dissenters." The strange and impious fanaticism of the Mormonites was designated in the same manner. He had himself lately, in two instances, in different parts of his diocese, found himself to be the subject of reproach, under the idea that he had "licensed" persons as Mormonite teachers. He was very anxious to get rid of confusions and misapprehensions of this kind; and on the two grounds he had thus stated, he asked their Lordships to agree to this Bill.

The ARCHBISHOP of CANTERBURY

said, that the inconveniences of the present system were so evident, and the remedy now proposed was clearly so suitable, that nothing was wanting in confirmation of what his right rev. Friend had stated; and he would, therefore, content himself with merely supporting the Motion before their Lordships.

Bill read 2^a.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 17, 1852.

MINUTES.] NEW MEMBER SWORN. — For Carmarthen County, David Jones, Esq.

PUBLIC BILLS.—1° Poor Law Continuance (Ireland); Incumbered Estates (Ireland).

2° Nisi Prius Officers; Burgh Harbours (Scotland) (No. 2); Public Works.

METROPOLITAN POLICE.

MR. T. DUNCOMBE begged to ask the right hon. Secretary of State for the Home Department by what authority a portion of the K division of the Metropolitan Police were ordered, on the 5th and 12th of April, to attend Divine service in St. Thomas's Church, Stepney, and in default of so doing were subjected to military drill? In order that the House might clearly understand the question, he would state a few facts. On Wednesday, the 5th of April, as he had been informed, there came down a peremptory order that 130 or 140 men of the division of police to which he had referred should attend service at St. Thomas's Church, Stepney, at half-past twelve o'clock that same day. The promulgation of this order created great amazement among the men. The alternative at the same time proposed was, that if they refused to go to church they should undergo an extra drill. One hundred of the men, after expressing their surprise at this unusual proceeding, consented to go to church. Thirty of them and one sergeant preferred the drill. These were Roman Catholics or Protestant Dissenters. On Wednesday, the 12th inst., the same thing again occurred. The men murmured and expressed their dissatisfaction, but the majority of them consented to go to church. Thirty-eight of them, however, refused, and were sent to drill. These were occurrences of so singular a character in this country of religious freedom, that he could not but think that some explanation was required respecting them. When men entered the police force it was not customary to make any inquiry of them as to the religion they professed; but this was the first occasion he had ever heard of, in which, without regard to the religious feelings of the men, coercive measures were used to compel them to attend the Divine service of the Established Church.

MR. WALPOLE said, that the hon. Member was not quite correct in his facts. No orders had been given for a compulsory attendance at Divine worship, nor had the men been subjected to any additional drill for not attending. The facts were these: many men in the force were precluded, by the nature of their duties, from attending Divine service on Sundays; but it was found practicable to afford an opportunity of voluntarily attending church on Wednesdays to those who were prevented from doing so on Sunday, and several of the men cheerfully availed themselves of that regulation. It was found, however, that those men who did not wish to attend church had nothing to do between the time of being inspected and the time of going to their pay (Wednesday being the pay-day), and it was considered a judicious regulation that those who did not wish to go to church should have their drill in that half-hour. It was not an additional drill, but was substituted for one which, under any circumstances, they would have had to undergo.

MR. T. DUNCOMBE was still of opinion that the statement he had made of the case was the correct one, and was inclined to believe that an erroneous version of the facts had been communicated to the right hon. Gentleman. The right hon. Gentleman could not deny that the men were sent to drill in default of going to church; and he (Mr. Duncombe) believed that he was in a position to show that this was an additional drill, and not in substitution of any other drill to be undergone on any other day. He begged the attention of the right hon. Gentleman to these facts.

MR. WALPOLE: The hon. Member gave notice of the question which he intended to ask this evening, and the information which I procured was with reference to that question, and that question only. I do think that, if the hon. Gentleman means to challenge the accuracy of my information, it is but fair that before he does so, I should be allowed an opportunity of obtaining additional information.

MR. T. DUNCOMBE: Well, be it so; but be it remembered that what I stated was, that the men were compelled to go to drill in default of going to church, and that statement the right hon. Gentleman has not controverted.

FROME VICARAGE—THE REV. MR. BENNETT.

The CHANCELLOR of the EXCHEQUER: I beg that, by the favour of the House, I may be permitted to take this opportunity of conveying to them the result of the investigation which Her Majesty's Government undertook to make as to the remedies that exist with respect to an alleged grievance relative to the institution of the vicar of Frome. After the discussion that took place in this House some three weeks ago [*see* vol. cxx. p. 895], Her Majesty's Government requested the Crown officers to report to them as to the means which Her Majesty might possess to make such an inquiry as was then suggested to be expedient. Sir, the Crown officers have reported to Her Majesty's Government that Her Majesty had no means of making any efficient inquiry with reference to the circumstances in question: that it would not be possible, if a commission were issued, that the Commissioners would be able to summon before them the witnesses they might deem necessary, and to compel the production of that evidence which they might think it expedient should be brought forward; or even to render compulsory the presence of those parties at the investigation who were directly informed upon it. It was even reported to the Government by the Crown officers that if such a commission were issued, and if, in despite of those difficulties, a course of bold investigation was taken, the commission might assume the character of a court of ecclesiastical inquiry, and in that character would be an evident breach of the Bill of Rights. Sir, irrespective of those legal opinions of the Crown officers, Her Majesty's Government have viewed with great suspicion such a course as was suggested for their adoption on the evening in question. Without giving any opinion upon or presuming to prejudge the instance in question, the Government have felt that when a person violates the law, we give him a great advantage if we attempt to vindicate the law in an illegal manner; and therefore not only from the opinion of the Crown officers, but as a question of policy, the Government were of opinion that the course pressed upon their adoption would fail in the object which I believe both sides of the House desire to attain; and might not only fail in the object, but might give an advantage to the person who possibly may have offended. Under these circumstances, and feeling the matter to be one of a gravity that cannot be exaggerated—believing that if it be possible under the existing law for a person in communion with another Church to be instituted with impunity into a living of the Church of England—that that would be a grievance intolerable to, and an act of oppression upon, the people of this country—Her Majesty's Government, if they had seen no means of redress obvious or possible, would notwithstanding the state of the Session, have felt it their duty to bring the question under the consideration of the House of Commons; but, Sir, before they should take a course of that description, they felt it their duty to inquire whether, irrespective of the means suggested in the debate to which I have referred—I mean irrespective of an inquiry to be instituted by Her Majesty—there were no other means of redress open under the circumstances alleged. They submitted, therefore, the whole condition of the question in that aspect to the Crown officers, and they have been advised by the Crown officers that in the law as it at present exists there are sufficient means of redress; that by the Act of the 3rd & 4th of the Queen, chap. 86, called the Church Discipline Act, it is open to any parishioner of Frome who may complain of a grievance such as that described by the hon. Member who brought this subject before the House (Mr. Horsman), to appeal either to the bishop of the diocese in which such offence against the law has been committed—[*Laughter.*] I hope the House will allow me to explain the case as represented to the Government. I am sure the Members of the House will have many opportunities of bringing forward their opinions; it is my duty to state the opinion which we have received as to the law of the case, and the conclusion that the Government have formed in consequence of that opinion. I repeat that we are advised that under the law, as it at present exists, any parishioner of Frome may appeal to the bishop of the diocese in which the alleged offences are said to have been committed, or to the bishop of the diocese in which the alleged offender now holds preferment: he may call on either of those prelates to appoint a commission of inquiry to investigate the circumstances; and if the result of that commission of inquiry is a *primâ* *facie* case against the alleged offender, in that case it is also in the power of both these prelates, or either of them, at once to institute a judicial inquiry. That judicial inquiry would then investigate the whole of the facts; and if the alleged offender were thought guilty of the offences charged, would punish him by depriving him of the preferment he enjoyed, or suspending him from the exercise of any of his sacred functions. Now, it does appear to me that, as yet, no parishioner of Frome has sought redress by this mode. It appears that up to the present moment no appeal has been made either to the Bishop of London, in whose diocese these offences against ecclesiastical discipline are said to have taken place, no appeal has been made to him to issue a commission; nor has any appeal been made to the bishop of the diocese in which the alleged offender now holds preferment. I was somewhat surprised at the expression of feeling which I ventured to notice a few moments ago, because Her Majesty's Government cannot share in the feelings which that expression would seem to indicate as being the prevalent opinion of some Gentlemen on the opposite side of the House. Her Majesty's Government have a confidence in the discretion and sense of duty which animate the conduct of the Prelates of the Church, and they cannot, therefore, for a moment suppose that they would offer any opposition to the course of justice and the cause of truth. But, Sir, the House may see that there is a legal remedy in existence which has not been appealed to by those who complain; and Her Majesty's Government cannot doubt that the House of Commons will agree with them that nothing can be more unwise than to have recourse to any violent act, where it can be shown that the means of redress in existence have not only not been exhausted, but not even been appealed to. This is the real state of the case. If the inquiry, such as was proposed by the hon. Member for Cockermouth some time ago, had been adopted by Her Majesty, we could legally have arrived at no other result than that at which we have arrived; and I am sure that the House of Commons would not wish to arrive at any result in an illegal manner. The Government have been advised—and I may say I hope without ostentation, that we have, irrespectively of the advice of the Crown lawyers, given the subject the gravest and most painful consideration—they have been advised that there is a legal remedy in existence, which has not been availed of by those who complain of the grievance. Under these circumstances the Government do not doubt but the House of Commons will agree with them—that it is of the utmost importance that, before any other step is taken, those who complain of the grievance should seek that redress the law has placed at their disposal.

Mr. GLADSTONE: I wish to put a question to the right hon. Gentleman with respect to the meaning of a part of the explanation he has just given. ["Order!"] I can assure the House it has reference to a point which is involved in the right hon. Gentleman's statement. I wish to know if I am right in understanding him to say that Her Majesty's Government have ascertained that the steps which were taken by the Bishop of Bath and Wells, whose conduct was impugned on a former occasion, in the matter of the institution of Mr. Bennett as vicar of Frome—that the conduct of the Bishop of Bath and Wells, according to the information they have received, was in due course and in all points according to law?

The CHANCELLOR OF THE EXCHEQUER: I confess I cannot exactly understand what the right hon. Gentleman means by "the conduct of the Bishop of Bath and Wells."

Mr. GLADSTONE: I understood that the conduct of the Bishop of Bath and Wells, in the institution of Mr. Bennett, was distinctly impugned on a former night, as not being according to law; and it is on that account that in the discussion which then took place, I suggested that the Government should ascertain and state whether that was so or not.

Mr. HORSMAN: I had hoped that the right hon. Gentleman the Chancellor of the Exchequer would have concluded with some formal Motion, because there are some points in his statement which it would be rather convenient to notice. Still, though it is not quite regular, perhaps the House will allow me to make an observation upon one point in that statement which refers partly to a question of law, and partly to the complaint which I made when I brought forward the Motion upon this subject. The right hon. Gentleman says that no parishioner of Frome has appealed either to the Bishop of London, as the prelate in whose diocese the alleged offences were committed, or to the Bishop of Bath and Wells, as the prelate in whose diocese the alleged offender holds preferment. Let me remind the right hon. Gentlemen that the whole of my statement, when I made that Motion, was directed to what took place after Mr. Bennett's nomination to the living of Frome, and to circumstances which occurred, not in the diocese of Bath, but to other circumstances which occurred in the dioceses of Bath and London and on the Continent, and which seemed to me to make an inquiry desirable. In illustration of what I stated to the House the other night, I will read two lines, with the purport of which the Government is perfectly acquainted, for I took the precaution of making them aware of it. I hold in my hand *Battersby's Catholic Directory*, in which there is a list of converts to the Roman Catholic religion given monthly, and in the month of July (1851) I find this entry:—"Mr. W. J. E. Bennett, late of St. Paul's, Knightsbridge, has been received into the Church. *Deo gratias.*" Now, as to the redress of which the right hon. Gentleman speaks. The Commission would have to be appointed by the Bishop of Bath and Wells, supposing the offence to have taken place in his diocese, and it would consist of five clergymen, to be nominated by the Bishop, so that the appeal would be made to him, and the judges by whom the inquiry is conducted would be nominated by him. That is the whole amount of redress which the existing law affords; but for an offence committed abroad there is no redress whatever. I brought forward my Motion a month ago, and I now understand that the whole of the "*bonâ fide* inquiry," which was promised us by the right hon. Gentleman, has resulted in merely taking the opinion of the law officers of the Crown. Under these circumstances I beg to give notice that, to-morrow, I shall move for the appointment of a Committee to inquire into the truth of the allegations which I have already brought before the notice of the House.

The CHANCELLOR OF THE EXCHEQUER: I trust the House will permit me to make an observation as to the point upon which the hon. Gentleman has now touched. In the first place, I would remind the hon. Gentleman that I was speaking of the redress which was sought for by the parishioners of Frome; and in anything which took place between them and the Bishop of Bath and Wells, no allusion whatever was made as to what occurred abroad. The hon. Gentleman misconceives—no doubt from my imperfect expression—the spirit and tone of the communication I have made to the House. That which I desired to state to the House, and which Her Majesty's Government considered as of paramount importance, was, that there are means of redress under the existing law. I gave no opinion upon the point whether, according to the views of the hon. Gentleman, or other hon. Gentlemen, those means are perfect or imperfect—efficient or inefficient. But the House will agree with me that the means of redress offered by the law should always be exhausted before we take into consideration what course should be pursued to supply that redress. That is all I felt it necessary to impress upon the House; and I will not, therefore, notice the taunt or sneer of the hon. Gentleman about time having been wasted upon this subject. It was for me to communicate to the House that which it was of great importance it should know; but with regard to the investigation of *Directories*, or what has occurred on the Continent, the fact is this—that as the law at present exists, no misconduct under such circumstances can be reached, and that, no doubt, is a subject worthy the consideration of the House. I will not make a statement upon any of those alleged facts. I will merely say, generally, that I have seen many letters which were written—not anonymously, but by persons who are no friends of Mr. Bennett—and which give a very different version of these circumstances. Indeed, the Government do not wish to mix themselves up in any way with the circumstances which have taken place abroad. If they found that the Crown could by any means of its own institute an efficient inquiry with a view to eliciting the truth, they would be perfectly ready to recommend it; but it would be trifling with the House to counsel the Queen to institute an inquiry which they know, by the advice of the Crown officers, as well as by their own experience, would end in nothing but disappointment and annoyance: their duty, therefore, is simply to lay before the House that which they believe to be the real state of the law. With regard to the point referred to by the right hon. Gentleman (Mr. Gladstone), I confess that, at this moment, I do not understand the meaning of his inquiry. As far as we are advised, there was nothing illegal in the act of the Bishop of Bath and Wells; but his conduct, in the institution of Mr. Bennett, under the circumstances, does not in the least affect the privilege of the parishioners of Frome in appealing to either of the two prelates, and especially to the Bishop of London, for redress of the grievances they complain of. And that is the course which, upon the whole, I think it most expedient they should pursue.

Mr. GLADSTONE said, that the declaration of the Government only served to fortify his previous opinion. He had made himself acquainted with all the circumstances of the case as connected with the Bishop of Bath and Wells, and when the time came he would be perfectly prepared to show that that right rev. Prelate had acted not only up to the letter but to the spirit of the law throughout the whole transaction.

MILITIA BILL.

Order for Committee read.

Clause 14 (Volunteers to be sworn and enrolled).

Mr. BRIGHT said, he objected to the clause in its present shape, because the militia might be compelled to serve in Ireland or other parts of the United Kingdom in which they had not been raised.

Mr. WALPOLE said, that under the 42nd *Geo.* III., the oath of a militiaman was to serve in Great Britain, but by the 51st *Geo.* III., militia in England and in Ireland respectively might be interchanged. As the militia law was still in force in Ireland, and the Irish militia might be brought here, the militiamen in England ought to be liable, interchangeably, to be transferred there. Of course, the power would not be put in force except in case of necessity, but it was right to retain it.

Mr. BRIGHT said, the object of the Interchanging Act was connected with a particular department of the duties of the militia—namely, the suppression of insurrection and rebellion within the Kingdom. But that duty not being required of them under the present Bill, he did not see there could be the same necessity for sending the English militia to Ireland. A law of this nature ought not to be confined to one portion of the United Kingdom only, though he would not move that it should be extended to either Scotland or Ireland. As, however, the right hon. Gentleman said there was not the slightest possibility that the power would be used, he (Mr. Bright) suggested that in this case the oath in the 42 *Geo.* III., which confined the operations of the militia to England and Wales, should be substituted for the one referred to in the clause.

Viscount PALMERSTON: I hope that the Government will not accede to any such proposal as that which has emanated from the hon. Gentleman the Member for Manchester. The militia of each island was originally limited in service to the island where it was raised; but the object of a militia force not being to suppress rebellion or insurrection, but rather to defend the country from foreign invasion, it was found inconvenient to confine the English militia to Great Britain, and the Irish militia to Ireland, and the Legislature therefore altered that restriction of service, and declared that all militiamen should be liable to serve in any portion of the United Kingdom to which they might be sent. So far from seeing a reason for the ancient restriction in the fact that it is proposed by Government to raise the militia only in Great Britain, it appears to me that that is an additional argument why we should preserve the arrangement of the Act of 1812. The reason why any militia is required is, that you may possibly need additional force, beside the troops of the line, to repel a foreign invasion; but in case of war, I cannot see that Ireland may not be just as likely to be invaded as England. Nor can I think that the fact that the Government does not think fit to raise a militia at present in Ireland, should be received as a reason why the English militia should not be sent to that country. The argument to be deduced from that fact appears to me to take a totally different direction, and to be conclusive as to the expediency of reserving to ourselves the power of sending the English militia to Ireland, in case the prospect of a foreign invasion should render it desirable to do so.

Sir GEORGE PECHELL hoped that there would be a militia neither in England nor Ireland. The Government was certainly a little inconsistent, for in another place they had granted a Committee to investigate Captain Warner's invention, which was to render it unnecessary to have a militia at all. He (Sir G. Pechell) thought there was a great deal of humbug about Captain Warner's invention, but he was willing to let it continue if they could by any means get rid of this Bill. It had been said that the only way to get rid of protection was to place it upon the Treasury benches; and he supposed that the only way to get rid of Captain Warner was to allow him the Committee moved for by the noble Lord in the other House.

MR. BRIGHT said, the noble Lord the Member for Tiverton, by the haste with which he had risen, seemed desirous to prevent the right hon. Gentleman the Home Secretary from speaking, lest he should commit himself. The noble Lord seemed to be the big brother of the Government. The noble Lord exclaimed the other night —"What, would you treat the people of Ireland as if they were traitors?" Why then would the noble Lord exclude that part of the United Kingdom from the operation of the Bill? It was a special ground of complaint against the Bill, that, enforcing it in one portion of the Kingdom only, they took balloted men from that portion, and insisted upon their serving in parts of the United Kingdom to which the Bill did not apply. That was not just dealing with the people of England and Wales. The noble Lord's inconsistencies were interminable. The noble Lord said that Ireland was as likely to be invaded as England; but supposing that 60,000 French soldiers were to land some foggy night at Kinsale, or Bantry Bay, or wherever else the noble Lord had fixed upon in the south of Ireland for that purpose, did the noble Lord think that the 80,000 militiamen, who were snugly in their beds, or pursuing their habits of industry in England, could be collected and taken over in time to arrest the progress of the invaders? The noble Lord seemed to be able to force the Government to do anything; but he (Mr. Bright) did not wish him to force the Government to extend the militia to Scotland and Ireland. He did, however, hope the noble Lord would support him in his proposition, that the oath should not be so constructed as to force men balloted in England to serve in Ireland and Scotland.

MR. WALPOLE said, he thought the clause necessary. If it were intended to employ the militia to suppress insurrection or rebellion, the Bill might be objectionable if it proposed to send them to Ireland for that purpose. But it was only intended to send them for the defence of the country, and to enable the Government to bring over the troops of the line from Ireland to England, in case this country should be invaded. Unless the necessity arose, this power would not be put in force, but if that necessity did arise, the power ought to be put in force, consequently the power ought to exist in the Bill.

COLONEL CHATTERTON would advise the Government to take the advice of military men upon military matters, and not to suffer themselves to be misled by the vague assertions of hon. Gentlemen opposite. He trusted there would be no alteration in the clause.

MR. HUME said, this was not a military question at all, but whether a man drafted into the militia against his will, would be obliged to take an oath. The objections to the Bill were twofold: first, there was no necessity for the force; and, secondly, that it was inconsistent and improper for a moribund Parliament to take upon itself to establish an army of reserve. His main objection was to the 16th Clause, and if the Government would consent to forego the compulsory power of conscription which that clause gave, his opposition to the measure would be much mitigated. He believed the Government would not have proceeded with a Militia Bill, if the late Government had not introduced one.

The CHAIRMAN: Does the hon. Member for Manchester propose any Amendment?

MR. BRIGHT: Yes; and my Amendment is based on the simple ground, that Scotland, Ireland, and Wales are excluded from the operation of the clause now under consideration. [MR. WALPOLE: No; not Wales.] Well, then, Ireland and Scotland. 80,000 men were to be raised by the 1st of January next. If there were not enough of volunteers, compulsion, in the shape of the ballot, was to be resorted to. Now, the proposal of the Government was, that those men so balloted for should be sworn to serve for five years, and they might be called upon to serve, not only in England, where they were raised, but also in Scotland or Ireland, to which they did not belong, at the disposition of the Home Secretary. If the whole of the United Kingdom were placed under the provisions of the measure, an argument might be used on the score of equality of transfer; and if militia were sent from England to Scotland or Ireland, so militia might be sent from Scotland and Ireland to England. But here there was no such reciprocity; and he complained that so little regard was paid to the liberty of the subject, and to the wishes and feelings of the English people. He proposed that the oath which was in the Militia Act 42 *Geo.* III., which did not allow the militia to go out of Great Britain, should be substituted for the 51 *Geo.* III., which did. He could not see upon what principle of justice or fairness the Government could ask Englishmen who were forced into the militia to go to Scotland or Ireland.

The ATTORNEY GENERAL said, the hon. Member for Montrose (Mr. Hume) promised that, if they would only confine their Bill to volunteers, he would vote with them. That hon. Member objected to the clause they were upon, because he said parties were to be forced by it to take the oath in question. He would find, however, that it referred in express terms, not to the persons balloted for, and forced to take the oath, but to the volunteer. Perhaps, under these circumstances, the hon. Member would vote with the Government. The hon. Member for Manchester (Mr. Bright), again, considered that the proper way would be to adopt the oath of the 42 *Geo.* III., instead of that of the 51 *Geo.* III. But even this, the 42 *Geo.* III., applied to service throughout Great Britain, to Scotland as well as England and Wales. This, he repeated, was a question as to what oath volunteers were to take; not as to what oath balloted men were to take—a question whether they would adopt the oath by which volunteers might be sent wherever, in the kingdom, they were required, or whether they would substitute for it that by which they might be sent to all parts of England and Scotland, but not into Ireland.

Mr. MILNER GIBSON: The Attorney General surely could not intend to have one oath for balloted men, and another for volunteers. The oath must surely be the same for both. This was a good reason why they should postpone the consideration of some of the clauses until the Committee had decided whether the ballot would be adopted. He thought it was most unjust to impose the provisions of this clause upon England, and not upon Scotland or Ireland, which were to derive the benefit of the force to be raised in England exclusively. An Irish Member had observed to him that Ireland was peculiarly a soldier-growing country, and if the Government wanted to raise an extra force, he thought it was better for them to employ Irishmen, who were now unemployed, or with bad wages, than to have recourse to the people of England, who were generally fully employed, and with much better wages.

Lord JOHN RUSSELL said, he understood the effect of this clause was, that the militia might be exercised and trained anywhere in England or Wales. There was no intention on the part of the Government, and he believed they would have no power, to take the militia, whilst being trained, out of England and Wales. But when the militia were, embodied there would be great disadvantage if, in case of necessity, the Government would not be able to remove the militia to any part of the United Kingdom. If a necessity arose for it, the militia would probably be embodied in Ireland as well as in England. If the militia were to be raised in the way volunteers were formerly raised—by beat of drum, and not by ballot—having an embodied militia in England and in Ireland, and in that case, if a portion of the English militia were drafted to Ireland, there was no reason why a portion of the Irish force should not be drafted to England. As to the observation of the hon. Member for Montrose (Mr. Hume), he begged to say this was not his (Lord J. Russell's) Bill. It had been changed by the succeeding Administration, and he was in no manner responsible for it. He would not support the Amendment of the hon. Member for Manchester.

Mr. MOWATT would remind the Committee that if the militia were raised in England alone, the proportion would be 5,000 out of every 1,000,000, whereas if the 80,000 men were extended over the whole United Kingdom, the rate would be only 3,000 in the 1,000,000.

Viscount PALMERSTON believed that no Act was necessary to raise a militia by voluntary enlistment in Ireland. He knew that during the war the Irish militia was raised by volunteering; and he should rather apprehend that the Act being still in force, no change in the law was necessary there as in England. By the existing laws relating to England, balloted men would be liable to serve in any part of the United Kingdom, and thus there would likewise be no necessity for legislation respecting them. The object of the clause was merely to make volunteers liable to the same extent of service as the balloted men.

Mr. BRIGHT: I do not wish to put the Committee to the trouble of dividing, though I believe upon the constitutional part of the question I had the best of the argument.

Clause *agreed to;* as was also Clause 15.

Clause 16 (Where men cannot be raised

by voluntary enlistment, Her Majesty in Council may order a Ballot).

Mr. CHARTERIS said, he had no wish to waste the time of the Committee, by urging general arguments against the Bill. As the Government had consented not to enforce the compulsory clauses till after the new Parliament had had an opportunity of expressing its opinion thereon, they had done well; but he thought it would have been still better to omit these clauses altogether. Their retention destroyed the popularity of the Bill, and might endanger its passing. But for those clauses it was probable the hon. Member for Montrose (Mr. Hume) would not have opposed the measure. The ballot ought only to be had recourse to in cases of extreme necessity; these were not likely to arise, according to the admission of the Government themselves, who, in introducing the measure, recommended it as one of voluntary enlistment; it would therefore be better to make a trial of the voluntary portion first. Circumstances might arise to make a resort to the ballot necessary; such an emergency was contemplated by the 26th Clause, which authorised the force to be raised to 120,000 men in the event of an invasion, or imminent danger thereof. In that event a ballot might be necessary; and if the 16th Clause were struck out, the 26th would have to be considerably altered; but this would involve no legal difficulty. It was out of no factious spirit that he begged to move the Amendment of which he had given notice, but solely from a desire to give greater efficiency to the measure.

Amendment proposed in p. 6, l. 25, to leave out the words "by Ballot."

Mr. WALPOLE said, he thought the reasons which had been assigned by the hon. Gentleman were very strong reasons for retaining the words in the clause, for the hon. Gentleman admitted that in certain cases it might be necessary to have recourse to the ballot. The Committee would remember that the two objects of this Bill were, first to raise 80,000 men to co-operate in the defence of the country, ready to take the field, or to go into garrison; and, second, to raise the men, if possible, by voluntary enlistment, according to the preamble of the Bill, "with as little disturbance as may be to the ordinary occupations of the country." The basis of the Bill was volunteer enlistment, although, if volunteer enlistment failed, recourse must be had to the ballot, or else they would not have that body of men which by the Votes of that House they had declared to be necessary for the defence of the country. His hon. Friend (Mr. Charteris) said the Government had made a material alteration in this clause. They had made no alteration which affected the principle of the Bill; but they said they would take a permissive power to raise men by ballot when voluntary enlistment failed, but not before. It would be impossible to ascertain how far voluntary enlistment would answer their anticipations until six months had elapsed, during which time they would be making the experiment; and the insertion, therefore, of the words "after the 31st of December" was only giving in writing what the Committee had already heard by word of mouth from the Government—that they would do their best to raise volunteers before they put the ballot in force. Assuming that he was right in saying that the Committee had already provided a number of men as a permanent force, to be partially trained and drilled, and ready for service, and assuming that the Government must obtain them by some other way than by voluntary enlistment, as the Bill was now framed they were possessed of two inducements: first, by offering a bounty; and, secondly, by operating on the parishes to get volunteers, through fear of having the ballot put in force in those parishes which did not contribute their quota of men. Under these circumstances, he thought it important that the compulsory clauses should be retained. If they could obtain a sufficient number of men by voluntary enlistment, the Bill was so drawn that there would be no necessity to have recourse to the compulsory clauses; but if they could not, he thought, according to all argument, that the Government ought to have compulsory powers to raise 80,000 men, which they considered, and the Committee by its Votes considered, was the number necessary for the efficient defence of the country.

Mr. PETO said, he believed that he had been more extensively engaged with the industrious classes of this country than any Member in that House, and he thought that the better course would be for the Government to postpone this question of the ballot, in order that they might have an opportunity of testing the opinion of the country on the subject, and of ascertaining whether or not the proposed system of voluntary enlistment would work well.

If it failed, then the Government might come to the new Parliament and ask for the ballot. But even in that case he should prefer an addition to the regular Army, rather than a mere conscription under the name of the ballot. He could assure the Committee that the working men regarded the ballot with great jealousy and dislike. They were firmly attached to their Queen and to the institutions of the country; and he might mention that on a memorable occasion—the celebrated 10th of April—7,000 workmen in his own employ came to him and offered their services, which he was authorised to place at the disposal of the Government, to be used in any way thought desirable in the defence of the country against anarchy and confusion.

Mr. EWART would also advise the Government to take powers to raise volunteers only. If they required a greater force, let them add to the regular Army, and particularly to the artillery, which, in modern warfare, would be found the most important branch of the service.

Mr. W. J. FOX said, he could join his testimony to that of the hon. Member for Norwich (Mr. Peto) as to the strong feeling of the working classes against the compulsory clauses, to which he attributed the odium expressed to the measure, and the great obstructions offered to its passing through the House. In conceding those clauses, the Government would yield no point, because they intended to rely upon the voluntary system until the end of the year. In the intervening period they had an experiment to try; and if that experiment should fail, and if the new Parliament should be convinced of the necessity of such a measure, no doubt powers and functions would then be readily granted by the Legislature. He contended, further, that by insisting now upon the compulsory clauses, which were to be inoperative until the end of the year, they would most materially impede and damage the trial they were about to make of the voluntary system; they would keep alive the feelings of opposition which had been excited in the country; they would sustain all the antipathy felt by the working classes; and they would extend that antipathy to those who, without the dread of the ballot, might be disposed to assist as volunteers.

Mr. HUDSON said, that he had supported the Bill of the Government up to the present time, because he believed that the proposed volunteer force could be raised. But he did not think it was necessary to arm the Government with the compulsory clauses which were in the Bill. He must say that there was one universal feeling amongst his constituents against the introduction of the ballot. He had voted for the Bill, not because he admitted the urgency of such a measure, but because he relied on some information which appeared to be in the possession not only of the late but also of the present Governments. He should think it better to increase the standing Army; but, on the whole, he must express his hope that the Government would be induced to abandon this part of the measure. Under these circumstances, he should vote for the Amendment of the hon. Gentleman (Mr. Charteris).

The ATTORNEY GENERAL said, he thought the arguments so clear, that if the Committee would just consider them for a moment, they would not hesitate to come to a conclusion in favour of this clause. The hon. Member for Haddingtonshire (Mr. Charteris) was not against raising a militia; he had voted with the Government upon all the divisions; and had acceded, as the House by large majorities had acceded, to the proposition that a force not exceeding 80,000 men should be raised. It was expected that force would be raised by voluntary enlistment. The reserving to the Government the power to raise the force by ballot, supposing it could not be raised by voluntary enlistment, was only a precautionary measure. He felt, as strongly as his right hon. Friend the Secretary of State for the Home Department, the extreme probability that the force would be raised by voluntary enlistment; but he put it to the Committee, having admitted the necessity of giving Government power to raise that force, and assuming the possibility of its not being raised by voluntary enlistment, why not give the Government power to complete the force by ballot? The hon. Member for Haddingtonshire asked them to expunge these compulsory clauses, and defer them to the consideration of a new Parliament; and the hon. Member for Oldham (Mr. W. J. Fox) said, if the Government did not succeed in raising the force by voluntary enlistment, they would have no difficulty whatever in obtaining these powers from a succeeding Parliament. Hon. Gentlemen on that side of the House had over and over again said nothing was so odious, so detestable to the country, as this ballot, which the Government proposed to resort to only in the event of their not succeeding in raising the force by voluntary enlistment. The Government could not, therefore, come to another Parliament to ask for the ballot, without having entirely failed with voluntary enlistment; they would come, proposing this odious detestable measure, with, if he might use the expression, all its naked deformity, having nothing to substitute for it; and the hon. Member was sanguine enough to suppose that if the Government were unable to raise by voluntary enlistment the number of men which the House had conceded they ought to have the power to raise, in another Parliament they would obtain the power of raising men by ballot. He submitted, the proposition was perfectly clear, that when that House had conceded to the Government the power to raise these men, and by that concession admitted they were necessary for the defence of the country, the measure would be left incomplete and imperfect, unless they provided for that contingency which not probably, but possibly, might arise, namely, that the Government might be unable to raise men by voluntary enlistment.

Mr. CARDWELL said, the hon. Member for Haddingtonshire (Mr. Charteris) asked the Government to postpone a power which they professed they did not intend to exercise, to the consideration of another Parliament; and the answer of the Attorney General was in substance—"Do not tell me to come before a new Parliament for the ballot, because then I must put the ballot before them in its naked deformity; but let me take the ballot now, behind the defence of a professed voluntary enlistment, and then, with that defence before me, I can induce the present Parliament to give practically the coercive power of the ballot, though in time of profound peace I dare not ask any Parliament to give it, unless disguised by some other propositions." He submitted that was a perfectly candid manner of stating the argument of the Attorney General; and the speech of the hon. and learned Gentleman had raised—he would not say in its naked deformity—had raised in its true light the practical proposition which they were now called upon to concede, namely, that in time of profound peace they were to submit the Queen's subjects to compulsory conscription, through means of the ballot. Practically for twenty years there had been a power to raise the militia by ballot; but that power had been suspended, with a power reserved in the suspending Act for the Queen to call it into operation by an Order in Council. In case of danger from foreign invasion, that power would be exercised; in time of no danger that power would not be exercised. If they passed this clause as it stood, they would enact this proposition: not that in time of actual danger, or when danger was imminent, but in time of profound peace, as a subsidiary means of levying 80,000 men, the Queen's advisers might have recourse to the ballot. He would ask the Committee to consider what that ballot was. They were going virtually to levy a tax for the maintenance of the safety of the country, not as other taxes, upon the whole of the Queen's subjects impartially, but they were going to say to rich and poor, their names should all be thrown into the urn, and it should depend entirely upon chance which should be called to render this service to the State. He would put a case: A man struggling for existence, who complained already of the incidence of some taxes because they could not be levied fairly, might be drawn, and if substitutes were as expensive as they used to be, might be compelled to pay 20*l.* or 30*l.* There were many men to whom 30*l.* was no trifle. At any rate, they had no right to levy the tax in so partial a manner. The man might be a professional man, and he must either raise the 30*l.* or leave his profession, the leaving which would be losing the means of existence. That was the proposition which the hon. Member for Haddingtonshire resisted; and the Government could not say it was a vexatious or dilatory objection, because they admitted themselves they should not call the ballot into operation until after the 31st of December, and although they had asked for 80,000 men, they had since stated that if they obtained 40,000 by voluntary enlistment, they would not resort to it. At any rate, another Parliament must consolidate the law upon this subject, and they (the Opposition) said, "We have given you, by the Votes of the House, all that you ought to require—we have enabled you to make the preliminary arrangements for a militia—we have enabled you to raise a militia by voluntary enlistment, but we decline by passing these clauses to give you the power to raise a militia by compulsory conscription in time of profound peace, not only upon no allegation of danger, but when you acknowledge that you do not mean to exercise that power for six months to come, and that there is no case of exigency to demand it.

Mr. NEWDEGATE said, that the Government would have no security that they could obtain the requisite number of men if the Committee consented to omit this compulsory power.

Sir FRANCIS BARING said, he did not believe that the omission of the compulsory clauses would deprive the Government of one single man before the new Parliament met. They themselves had postponed the operation of the ballot to the 1st of January, 1853. The right hon. Gentleman the Chancellor of the Exchequer had stated that even when it was begun to be put into operation, four months would elapse before he could get a single man; therefore, until this time next year they could not command a single man by the process of the ballot. He should not vote for the Amendment with a view of rejecting the ballot altogether, but because, if postponed, a consideration might be given to the revision as well as the consolidation of the law, so as to give greater facilities in calling out the force for active service. Under the Bill of the late Government the cost would have fallen upon the general taxation of the country, and not upon each particular county. By this Bill the expense would be charged on the county rates; he did not know whether that was one of the new modes of taxation of the right hon. Gentleman the Chancellor of the Exchequer, but he was inclined to think it would not be very popular with his supporters.

The CHANCELLOR of the EXCHEQUER said: My impression is, that, by rejecting this compulsory clause, you will materially affect the chance of success of voluntary enlistment. A man will enlist if he sees the eventuality of the ballot in the distance; and the effect of the ballot in districts in obtaining volunteers, is a very strong reason why we should retain this clause. I repeat that, if you reject this clause, the success of voluntary enlistment will be seriously affected.

Mr. RICE said, the substitutes would be supplied from the same class as volunteers. If those persons knew that by refusing to volunteer, they could force on the ballot, and as substitutes they could get 20*l*. or 30*l*., instead of 6*l*. as volunteers, they would abstain from volunteering, and soon compel the Government to have recourse to the ballot.

Mr. WAKLEY considered that the argument of the fear of the ballot inducing voluntary enlistment was valueless, because the Government had announced that there would be no ballot this year. There was a very strong objection to the ballot; and the other day he heard of artisans in one shop having declared that, if drawn, they would rather go to gaol than serve. He hoped the Amendment would be carried, and that they would thus get rid of the Bill.

Mr. GEACH, as an employer of some thousands of men, knew their repugnance to being called from their occupation to serve or be trained as soldiers. The hon. and learned Attorney General had argued that they ought to have the ballot to resort to if voluntary enlistment failed. When they voted the number of men for the Army, they might as well vote that if they could not get those men for the usual bounty, they should force men to enter the Army. He believed that there was a very strong feeling in the country that there was no necessity for a militia at all; and if any defensive measures were required, he thought that a large majority of the population would prefer an increase of the standing Army.

Mr. SIDNEY HERBERT wished to make an observation on the argument of the hon. Member for Dovor (Mr. Rice), with respect to the persons who he said would be deterred from offering themselves as volunteers, because they would get large sums by acting as substitutes. It was true that 20*l*. or 30*l*. was paid for a substitute at a time when 500,000 men were under arms, and war was actually going on; but it was absurd to suppose that any such sum would be given at present. The probability was that no larger sum would be paid for a substitute than the bounty offered by the Government. With regard to the clause, he thought it ought to be retained as it stood. They must not play tricks with this compulsory power, which in circumstances of difficulty must be resorted to by the Government. The exercise of that power might be indispensable for manning the Navy; and if the ballot were struck out of the Bill, it would tend to weaken the power and right of the Government to claim the services of its citizens in times of emergency.

Mr. H. BERKELEY said, he had not joined in any opposition that appeared of a factious character against Her Majesty's Government during the discussions of this measure; but he must say that there was in many parts, and especially in the city he had the honour to represent, a great and growing feeling against raising men by ballot.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 127; Noes 110: Majority 17.

List of the AYES.

Adderley, C. B.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, C.
Baillie, H. J.
Bankes, rt. hon. G.
Barrow, W. H.
Beresford, rt. hon. W.
Blandford, Marq. of
Boldero, H. G.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Broadwood, H.
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Butt, I.
Campbell, Sir A. I.
Cayley, E. S.
Chandos, Marq. of
Chatterton, Col.
Child, S.
Christopher, rt. hon. R. A.
Christy, S.
Clive, H. B.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, Ald.
Davies, D. A. S.
Deedes, W.
Denison, E.
Disraeli, rt. hon. B.
Dod, J. W.
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Emlyn, Visct.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Fox, R. M.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Gladstone, rt. hn. W. E.
Hallewell, E. G.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Harris, hon. Capt.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hope, Sir J.
Hotham, Lord
Jermyn, Earl
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Kerrison, Sir E.
Langton, W. G.
Lemon, Sir C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Long, W.
Lygon, hon. Gen.
Manners, Lord J.
Maunsell, T. P.
Moody, C. A.
Morgan, O.
Naas, Lord
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmerston, Visct.
Peel, Col.
Pennant, hon. Col.
Prime, R.
Pusey, P.
Richards, R.
Sandars, J.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Stuart, H.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vesey, hon. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
Welby, G. E.
Whiteside, J.
Williams, T. P.
Yorke, hon. E. T.

TELLERS.
Mackenzie, W. F.
Bateson, T.

List of the NOES.

Adair, R. A. S.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bell, J.
Berkeley, hon. H. F.
Blackstone, W. S.
Blair, S.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, H.
Brown, W.
Buxton, Sir E. N.
Carter, S.
Chaplin, W. J.
Clay, J.
Clerk, rt. hon. Sir G.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Currie, R.
Davie, Sir H. R. F.
Divett, E.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Ewart, W.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Granger, T. C.
Greenall, G.
Greene, J.
Hall, Sir B.
Harris, R.
Hastie, A.
Henry, A.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hudson, G.
Hume, J.
Humphery, Ald.
Hutt, W.
Jocelyn, Visct.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Langston, J. H.
Laslett, W.
Legh, G. C.
Lewis, G. C.
Lockhart, A. E.
M'Taggart, Sir J.
Mangles, R. D.
Martin, J.
Milligan, R.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
O'Brien, J.
Osborne, R.
Parker, J.
Pechell, Sir G. B.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Rice, E. R.
Salwey, Col.
Sandars, G.
Scobell, Capt.
Scully, V.
Seymour, H. D.
Seymour, Lord
Smith, rt. hon. R. V.
Strickland, Sir G.
Stewart, Adm.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Walter, J.
Wilcox, B. M.
Williams, J.
Williams, W.
Willoughby, Sir H.
Wood, Sir W. P.
Wyld, J.

TELLERS.
Charteris, F. W.
Cardwell, E.

MR. HUME said, that the Government having succeeded in carrying this important, but most unpopular, part of the Bill by so inconsiderable a majority, ought not to insist on retaining it.

Mr. MITCHELL said, that on the bringing up of the Report, he should move that no substitutes be allowed, in order that hon. Gentlemen who were drawn by ballot might themselves have an opportunity of defending the country.

Mr. W. J. FOX then rose to move a Proviso to the clause, to the effect that no person be made liable to compulsory military service whose name is not on the registration list as an elector for some borough, city, or county. It did not follow that because the right hon. Gentleman (Mr. Walpole) had withdrawn the clause respecting the franchise of which he some time ago had given notice, that therefore the principle therein involved was to be given up. The right hon. Gentleman had proposed that we should make militiamen voters; he (Mr. Fox) proposed that we should make voters militiamen. Look at the hundreds and thousands of people who were, it might be said, without the pale of the Constitution, and who—to use language which had once been used in another place—had nothing to do with the laws but to obey them, and yet who were the equals, in many respects, of those who enjoyed the civil rights and privileges of the country. They were outlaws from our institutions; and yet they contributed to the resources of the State as well as to the supply of their own wants, and they ought not, in common justice, to be subject to such a law as this. In considering the classes who were to be liable to serve in a militia, he thought that property, the habits, the customs, and the occupations of the people in different parts of the country, and the possession of the franchise, should be taken into account, as well as the mere amount of population in the different counties and ridings. In the Saxon and Norman period of their history, the right of bearing arms was connected with the privilege of citizenship. He founded his Motion on the plainest principles of justice—the principle that those thousands who were beyond the pale of the Constitution, and whose civil existence was not recognised, should be exempted from the duty of bearing arms. He only claimed for them the exemption that belonged to their proscribed condition. But he recommended this Motion to the Committee on grounds of policy as well as grounds of justice. Were they sure that this enrolment of proscribed subjects might not involve consequences of serious and most momentous character? Lord Brougham, on presenting a petition on one occasion, said that it was the petition of 100,000 men capable of bearing arms, and he laid great stress on the last words. They might, when this militia force was enrolled, have a petition from men not merely capable of bearing arms, but actually trained to arms, and perhaps in the possession of arms. They should not forget the lesson of the Irish Volunteers in 1782. It was an instructive page of Irish history. In 1803 there was a militia raised in that country, and forthwith two outbreaks occurred—one in Dublin, under Emmett, and the other in Ulster. These were the effects of training people to the use of arms. The effect of this measure would be to alter the habits and character of the people. When the feelings of the people of England were excited, they had recourse to the natural arm of defence, or at most they restored to the brickbat and the bludgeon; but in France, where the people were trained to arms, they shouldered the musket and erected barricades. The right hon. Gentleman the Chancellor of the Exchequer desiderated a more military spirit; but if they proceeded to accustom the people of these realms to military notions, might they not apprehend that the popular ebullitions of this country might gradually assume much more of the character of those of a neighbouring country? But there was no indisposition on the part of the people of Great Britain to defend their country. Were there any appearance of danger, there would be no need of the ballot; the people would come forward as one man. Now, there was in this country a considerable and growing body of persons who objected conscientiously, on deep-seated religious grounds, to military service. The operation of the Bill would be to them one of obvious and atrocious hardship. In many, if not in all, the American States immunity was granted to this class of persons. They had been repeatedly recognised in the legislation of that House, and were not a body who would be treated lightly. It was easy to cut jokes at their expense; very small wits could do that. But from the earliest periods of Christian history there were to be found traces of those who on principle, and in devout obedience, as they believed, to the commands of Him whose name they bore, had objected to military service. While the right of private judgment could be exercised, there would be persons holding what were called "peace principles," and their numbers were not so large but that Parliament could afford to treat them with generosity; and the Proviso which he had prepared gave them an opportunity, by submitting to the penalty of disfranchisement, of preserving the integrity of their consciences. A short time ago he was delighted to hear the right hon. Gentleman who was now the leader of the House of Commons, express his regret that the Reform Bill had not led to the political enfranchisement of the working classes. Now, let the right hon. Gentleman unite this compulsory measure with emancipation; let him at once confer the franchise; let him and his Colleagues recognise as amongst the most sacred rights of labour that a man ought not to be taken away from his daily occupations by the fiat of a body in which he had no voice, and which called upon him for the duties, without giving him the rights, of a citizen.

Mr. WALPOLE said, the two grounds upon which the hon. Gentleman put forward the Proviso which he had proposed, seemed to be these: first, that everybody who was compelled to serve should have all the rights of citizenship conferred upon him; and, secondly, that many persons who entertained conscientious scruples against military service under any circumstances, and who came under the operation of this Bill, would, by having to pay the penalty of disqualification in the event of their not serving, thereby contribute all they ought to do towards the force which was about to be raised. With regard to the first of these questions, namely, whether the rights of citizenship should always attach upon those who were called on to serve, that was evidently a much larger question than could be discussed now. It must be discussed as part of a great measure; the Committee must consider how far it would be applicable to other services, and whether the mere fact of serving in a force should entitle a man to vote for a county or borough. But the way in which the hon. Gentleman had framed his Proviso, put it out of the question for the Committee to adopt it in its present form; it could only be adopted in the way to which he (Mr. Walpole) had referred, as part of a general measure for extending the franchise. The operation of the Proviso would be to narrow the basis out of which the ballot would be drawn, and to throw upon a minority the whole burden of serving, to the exclusion of the great bulk of the people of this country from the service. This was so serious an objection that he thought the arguments of the hon. Gentleman could hardly have much influence on the Committee. As to those persons who were said by the hon. Member to entertain conscientious scruples against the Bill, there was a much graver question mooted by him in that observation than could be settled by such a Proviso as this, because, if the objection were good for anything, it would amount to this, that any person who had an objection was entitled to say, "I will not contribute to the militia service either by personal enlistment or by paying any taxes which go to defray the charge of that service." The objection was equally applicable in both cases. No person would say, "I have a conscientious scruple against serving in the army or militia," who would not say, at the same time, "I have a conscientious scruple against applying any part of my fortune or my means to enable people to do that which I think is contrary to right principles." The question, therefore, which the hon. Gentleman had raised was so much larger, taking it in either point of view, than could be disposed of by such a Proviso, that the Committee, he thought, would not deem it right to adopt it in the manner in which it had been proposed.

Mr. MOWATT said, he was not surprised at the great anxiety of the Government to shuffle through this Bill in any way they possibly could, for he put it to their common sense whether the measure did not seem to them more absurd, more preposterous, and more wretchedly contrived, each minute. He had heard the right hon. Gentleman the Home Secretary say that he did not want the riff-raff to serve; but when you called upon a man to abandon his home and his family to stand forward in defence of his country, it was reasonable that you should see he had something to which his heart was attached, and which would bind him the more strongly to the national institutions. The Bill was professedly on account of the danger to be apprehended from a foreign Power; but had it never occurred to the right hon. Gentlemen opposite that the foreign Power which they so much dreaded was watching the progress of the measure through the House of Commons? What, he would ask, must be the conclusion at which that Power would arrive when it looked at the efforts made in order to raise a force of 50,000 men for one year only—when it saw that the English Parliament was afraid to trust the Irish people, whom they had so sadly misgoverned, with arms for the defence of their native soil? He would put it to the Government, was not that fact alone a reproach to them? He thought that Bill was not put forward without some grounds; but he should like to hear it explained why Ireland and why Scotland were not included? Did they distrust the people of Scotland as much as they distrusted the people of Ireland? It ought to be made known from one end of Scotland to the other, that she was placed in the same category with misgoverned Ireland. Supposing the Government succeeded in carrying their Bill in its full integrity, what would they gain by it? Only a force consisting of 50,000 of the lowest class, the most wretched of our population, and that only for one year. Now, he would ask, was it worth their while for such a trumpery measure to create such a lasting prejudice against all future Militia Bills? The very fact of a man enlisting in such a force would of itself prove he belonged to the dangerous classes of the community; for they appealed, not to the sound part of the population—they appealed, not to the men enjoying citizenship, but to the lowest rabble, who had no stake in the country. The whole thing was a bundle of absurdities, based on a false assumption, and conducted thoughout with a want of ability which was absolutely disgraceful, not only to the Government, but to that House. He regretted that night after night he was compelled to take a part in discussing such oceans of balderdash. Supposing the right hon. Gentleman (Mr. Walpole) sincere in saying that the real object of the Government was to obtain a respectable class of men to serve in this militia—a class that could be depended upon in the event of an emergency, he was bound to reconsider the proposal made by the hon. Member for Oldham (Mr. Fox). He (Mr. Mowatt) repeated that some alteration in our military provision for the defence of the country was necessary; and, therefore, it was that he was anxious the feeling of the country should not be set to sleep by so paltry a measure, by such a string of trumpery nonsense as this.

The O'GORMAN MAHON protested, as an Irish representative, against some of the remarks which had fallen from the hon. Gentleman who had last addressed the Committee. The hon. Gentleman had repeated the unfair and unworthy declarations made by anonymous correspondents in journals of a low character, which, however, received some sanction when reiterated by a Member of that House. The hon. Gentleman's declaration, that the measure was odious to the country, was not a question into which he would enter—he would leave that to be decided between the hon. Gentleman and his constituents. But when it had been distinctly declared both by the late and the present Governments that such a precautionary measure was necessary for the welfare of the country, he would ask upon what principle of common sense it could be designated by the hon. Gentleman as an odious, abominable, and disgraceful measure? He would apply himself to other remarks of the hon. Gentleman. When the hon. Gentleman insinuated that Her Majesty was afraid to confide arms to the Irish people, he (The O'Gorman Mahon) would say decidedly that, if Her Majesty were under such an impression, She laboured under a misinformation very similar to that evinced by the hon. Gentleman himself; and most assuredly the English people did the people of Ireland a gross injustice, if they believed there was a man amongst them who would not defend her shores against a foe. He solemnly declared that such a supposition would be totally unfounded, notwithstanding their difference on various subjects of legislation—notwithstanding the passing of that vicious measure which was supported both by the late and the present Government, the Ecclesiastical Titles Bill—a measure brought in by the late Government because a gentleman arrived from Rome with a red hat, red stockings, and red appurtenances, in order, as it was alleged, to deprive Her Majesty of all sovereignty in this land. He utterly repudiated the insinuations thrown out against the Irish people, and called on the Committee to assist the Government in supporting a measure which had been declared to be necessary for the common weal.

Mr. MOWATT begged to explain. He had not alluded in any observations he had made to Her Majesty— [The O'Gorman Mahon: No; Her Majesty's Government.] He was satisfied that the hon. Gentleman and the Committee understood him to refer to the Government, but he would take this opportunity of saying that the anger of the hon. Gentleman should be directed not against him, but against right hon. Gentlemen opposite, for he had merely invited them to explain why the Bill had not been extended to Ireland, although he had certainly put it hypothetically that the Government were afraid to intrust the Irish people with arms. The hon. Gentleman had ridiculed the Ecclesiastical Titles Bill, although supported by the late and the present Government; and yet in the same breath he called on the Committee to sanction the present measure, for the simple reason that the late Government had brought in the Bill, and it had been carried on by their successors in office.

The ATTORNEY GENERAL said, that the hon. Member for Falmouth (Mr. Mowatt) had stated that the Government was anxious to shuffle through this Bill; if so, they were grievously disappointed, for every endeavour had been made, and by none more than by the hon. Gentleman himself, to prevent the clauses passing through Committee. The hon. Gentleman rose to speak to the Proviso of the hon. Member for Oldham (Mr. Fox); but a very small part indeed of his speech was applied to that Proviso, and at last some of his observations had raised the ire of the hon. Member for Ennis (The O'Gorman Mahon), who chose to grapple with the Ecclesiastical Titles Bill. The hon. Gentleman (Mr. Mowatt) stated that this Bill was a string of trumpery nonsense; but as every clause had been carried by large majorities, the hon. Gentleman's observation was at least a reflection on the majority of that House. The hon. Gentleman had said he was "ashamed to be found night after night discussing such oceans of balderdash." Now the course which the hon. Gentleman should take was obvious—he should show his sense by retiring. He (the Attorney General) objected to the Proviso on one broad ground, that it made the most invidious distinctions between different classes of Her Majesty's subjects. He considered that every subject of the Crown was deeply interested in the defence of the country; but by the Proviso, the hon. Member for Oldham raised the inference, that only those who voted for Members of Parliament were interested in the defence of the nation, and, therefore, that they alone ought to be compelled to take up arms. He would take it for granted that those who enjoyed the franchise were not the least respectable of the community. The hon. Member for Falmouth said, "You will have the lowest class, the vagabonds, by this system of voluntary enlistment;" and then the hon. Gentleman, by his Proviso, proposed that when this force of "vagabonds" was obtained, the Government should take the respectable classes of the community, and compel them to serve with "a vagabond force." He thought some misapprehension existed in that House as to the rights enjoyed by the people of the country. There were two kinds of rights—civil and political; but though only a proportion of the people enjoyed political rights, all Her Majesty's subjects possessed civil rights, and all therefore were interested in those rights and the country in which they enjoyed them. By adopting the Proviso, therefore, they would narrow the base from which they would select the defenders of the country, and for that reason alone he would object to it. The hon. Gentleman had stated, and truly stated, that many persons had a conscientious objection to war—even to defensive war; but he could not see how the Proviso would obviate the objection.

Mr. W. J. FOX rose to explain. The object of the Proviso was, that persons enjoying the franchise, and having a conscientious objection to war, might take their names off the registration list, and thus prevent the necessity of serving.

The ATTORNEY GENERAL, understanding the hon. Gentleman's object, must say that he did not think it desirable or reasonable that persons should be allowed to escape from service in that or any other way. Many persons, for instance, had a conscientious objection to paying public taxes; and a thousand other conscientious objections might be taken to the performance of the duties of the subject, so that if such a principle as was involved by the Proviso were sanctioned, they would fritter away every obligation which a man incurred when he became a member of a community. He would submit to the Committee that the Proviso ought not to be allowed to stand.

Mr. HUME said, he was unwilling to excuse any man from the performance of a public duty, and therefore he would not limit the ballot to those who enjoyed the suffrage. He would recomend the hon. Member (Mr. Fox) to withdraw his Motion, and to substitute for it a Proviso to the effect that every person drawn by the ballot should be entitled to have his name registered in the list of voters for the town or county in which he resided. With respect to the observations of the hon. Member for Ennis (The O'Gorman Mahon), he must remind him that the noble Lord the Member for London (Lord J. Russell), was so far from thinking this Bill necessary that he actually voted against it; and if the hon. Member was such a follower of the noble Lord as he professed to be, he would vote against it too. He would advise the hon. Member to trust more than he was inclined to do to those who, like himself (Mr. Hume), had voted against the Ecclesiastical Titles Bill, and to believe that there was no more need for the Militia Bill than there was for that other measure which the hon. Member had so properly and so justly condemned.

The O'GORMAN MAHON said, he must defend himself from the charge of inconsistency made against him by the hon. Member for Montrose. It did not follow that he (The O'Gorman Mahon) was bound to be inconsistent, because the noble Lord the Member for London, lately at the head of the Government, had come down one night, and proposed a measure, which he voted against a few nights afterwards. The charge of inconsistency which the hon. Member for Montrose had made, came very badly from him as the Solon of the Opposition benches, because he and his friends had for a whole series of years been living illustrations of the most consistent inconsistency.

Mr. PACKE said, in the earlier part of the evening hon. Gentlemen opposite inveighed against the ballot, because of its harshness; but this proposition of the hon. Member for Oldham would increase that harshness tenfold, as it would limit it not to those who were now on the register—limited though they were as compared with the general population—but the hon. Member proposed to allow any elector who had a religious scruple to serve in the militia to escape by merely dropping his name from the register. He wondered how any hon. Gentleman who voted for this burden to be put upon the constituents, would afterwards face his own.

Mr. BUCK said, the Committee would fall into a great absurdity if it consented to the Proviso of the hon. Member for Oldham. The Committee had already agreed to adopt the ballot, but the Proviso of the hon. Member for Oldham would make that principle more harsh in its operation. How could the hon. Member go to his constituency after he had endeavoured to make the ballot more oppressive than it otherwise would be? The hon. Member wished to give those on the registry who objected to serve an opportunity of withdrawing, and, therefore, he would limit the number of those who were to be drawn by ballot.

Mr. W. J. FOX said, he could not accede to the proposition of the hon. Member for Montrose, because although he certainly desired the extension of the suffrage, he could not advocate its connexion with such a qualification as this proposed amended Proviso would create. The argument against his proviso was, that it would make a broad demarcation between different classes of the people—the enfranchised and the defranchised, and that it would narrow the base from which this militia force was to be provided. As to the line of demarcation he would only say that he did not propose it; he found it so, and he wanted to bridge it over. As to narrowing the basis, he would observe that the ballot was not to come into operation until some time next year. After the opinions expressed by those from whom he had expected support, he should not press his Proviso, but begged leave to withdraw it.

Mr. MILNER GIBSON wished to know whether the Government would lay upon the table of the House a list of the exemptions, that the Committee might have an opportunity of examining them.

Mr. WALPOLE said, that the Government had carefully considered the subject, and he would at once afford the information required. The exemptions were to be as follows:—1st, Peers of Parliament; 2nd, persons serving in other forces of the Crown; 3rd, officers on half-pay; 4th, commissioned officers who had served four years in the militia; 5th, resident Members of either University; 6th, clergymen; 7th, persons licensed to teach in separate congregations; 8th, constables and peace officers; 9th, articled clerks and apprentices; 10th, seamen and seafaring men; 11th, persons employed in Her Majesty's dockyards, &c.; 12th, persons free of the Company of Watermen; 13th, any poor man having more than one child born in wedlock.

Mr. MILNER GIBSON could not see why Peers should be exempted, or allowed to escape the payment for a substitute. The duties of the other House were not so severe as those required from Members of that House. He thought that the Peers ought not to be exempt, and he should take the sense of the Committee upon the subject. The right hon. Gentleman's list began with Peers, and ended with paupers. What did he mean by a poor man? What was the degree of poverty required? [Sir C. Burrell: A day labourer.] Then a day labourer was the poor man, and all day labourers who had one child born in wedlock were to be exempted. Then, as to the Watermen's Company; why, the watermen were almost extinguished by the steamers, and the exemption should be applicable to engineers and stokers. The Government was legislating in the spirit of the days of George III. There ought to be an opportunity given by which the question of exemptions should be submitted to the House, and the sense of the House taken on it. Then, again, with regard to resident Members of the Universities—why should they be exempted? Could not they purchase substitutes? Did the exemption apply to all Universities? In order to give the Committee an opportunity of expressing an opinion on this subject, he would suggest that the right hon. Gentleman the Secretary for the Home Department should move to repeal the exempting clauses of 42 *Geo.* III., and bring up a clause containing such exemptions as the Government thought ought at present to exist.

Mr. WALPOLE said, that if any hon. Member thought that exemptions should be added to or taken away from those now proposed, it was of course in his power to move a Proviso to that effect, and take the sense of the Committee upon it.

Mr. BRIGHT said, he must complain of the mode in which the Bill was managed by the Government. It was said that an opportunity of discussing the question of exemptions might be taken by any Member moving a clause or a proviso, and no doubt they were at liberty to do so; but the right hon. Gentleman the Home Secretary would admit that any one who wished to discuss the Bill fairly, was placed in a position of extreme difficulty by the course taken by the Government; and he was sure that if the right hon. Gentleman was on that side of the House, they would hear him, as a lawyer, enter on a dissertation to show how impossible it would be for militiamen to understand this Bill, taken in connexion with other Acts of Parliament, and that even the law officers of the Crown were unable to reconcile them. His right hon. Friend (Mr. M. Gibson) objected to some of the exemptions; and if those objections were valid ones, the right hon. Gentleman the Home Secretary ought to bring up a clause to meet them. He would be a bold man who would say that Peers should be exempted, and not Members of the House of Commons; he would be a bold man who would say that clergymen and ministers of religion should be exempted, and not schoolmasters; that watermen and dockyard labourers, and seafaring men, and peace officers, and members of the Universities, should be exempted, and not medical men. If there was any class that had a claim on the generous forbearance of that House, it was that of medical men. He (Mr. Bright) should like to know if the exemptions of members of Universities applied only to Oxford and Cambridge. Why was the University of London not exempted? He asked the right hon. Gentleman if he would consent to bring up a clause, showing that he was prepared to reconsider the question of exemptions, leaving out those which could not be defended, and adding such as the Committee would consent to, for he (Mr. Bright) did not think there should be no exemptions, though those which at present existed certainly required correction.

Mr. WALPOLE considered that it would be the best course for any Gentleman who wished to make any exemptions, to move a clause containing such exemptions. He would not say that the Government would not consider the present exemptions, although he thought good reasons could be given for them.

Colonel THOMPSON said, there ought to be an exemption for the Society of Friends; and he should be glad to see the Government have the credit of it. They were not a numerous nor an increasing body; and if the Government would consider the interest of their own measure, they would perceive that the effect of leaving room for a charge of religious persecution in the case of so respected and popular a body, was tenfold greater in one direction, than anything that could be gained by annoying them in the other.

Mr. FOX said, he would withdraw his Proviso.

Sir HENRY WILLOUGHBY rose to move another Proviso, that no married man should be liable to the ballot, and no unmarried, except between the ages of twenty and twenty-five. In support of his Motion he would state that it appeared by the last census there were 8,753,000 males in England and Wales alone. Of these there were 800,000 between the ages of twenty and twenty-five, and deducting the married men, there would still remain 600,000 liable to serve. He mentioned this to show that they would, even if they agreed to his Motion, still have a large class to draw from. It was of no use disguising the fact that the ballot was exceedingly unpopular in the various towns throughout the country, and the reason was that married men were liable to be drawn. As the Committee had acceded in favour of the ballot, he saw no reason why the class whose claims he advocated should not be exempted, and he thought that county Members particularly should support his proposition, because in the event of a man being drawn, the expense of maintaining his wife and family would in all probability be thrown upon the land. He trusted that the Committee would sanction the Proviso which he now begged to move.

Amendment proposed, to add at the end of the Clause the words "Provided always, that no married man shall be drawn by Ballot."

Mr. HENLEY said, the hon. Member ought to have come down prepared with some statement to show to what extent the area of choice would be limited by the adoption of his Proviso; because unless some data were given, it would be impossible for the Committee to come to a decision without running the risk of so narrowing the field of choice, as to throw a burden upon a small number of persons. A man with more than one child was exempted on the principle that a heavy burden might otherwise be thrown on the parish. He should feel it his duty to oppose the Proviso of the hon. Member.

Mr. WAKLEY said, it was now when the exemptions came to be discussed, that they saw the odious character of this measure. He, for one, entirely disapproved of the proposition of the hon. Member for Evesham (Sir H. Willoughby). He thought, if there was to be a ballot, there should be no exemptions at all, whether of Peer or poor man. Many a man who was called poor was a richer man than a Peer; for, if a poor man lived within his means, he was a richer man than a Peer who did not live within his means, but squandered them. But why should they inflict this penalty upon a poor man at all? Why did many men refrain from marriage but from motives of prudence—and he (Mr. Wakley) said that they were entitled to great credit for their discretion—and the Committee was now going to offer a premium upon imprudent marriages; for he believed, if this proposal were to be adopted, it would lead to the formation of an enormous number of imprudent marriages, which would end in nothing but misery. He could not see that a single benefit would be derived from the Amendment. They would come by and by to the general question of exemptions; and if there were to be any exemptions at all, he would put in his claim for the exemption of the medical profession.

Sir GEORGE STRICKLAND said, he was old enough to remember something of the ballot, and he was quite certain, if hon. Members referred back to the heart-rending scenes which attended it, they would not be surprised if the alarm of the country was ten times greater now than it is. He was inclined to join the hon. Baronet (Sir H. Willoughby) in exempting married men, if there was to be any exemption at all; but, to render the measure just, it ought to fall upon the Peer as well as the poor man. But, with the firm conviction that the more the Bill was discussed and known, the more it would be seen to be a measure totally uncalled for, he trusted it would be yet prevented from passing.

Mr. PETO said, he must earnestly impress upon the minds of the Government, that though the Committee had by a late vote come to the decision that it had not sufficient confidence in voluntary enrolment, it would be well to consider if the country would not prefer the augmentation of the standing Army. That would be but a larger payment for the protection—if that was necessary—of our property. The fact of two Governments having deemed it necessary to bring a precautionary measure before the House, was a sufficient reason for its being considered of importance; but he said, let the House give the Government the power to augment the standing Army if necessary. He could assure the Committee that the industrial classes felt deeply upon this question—they viewed it with feelings which few had an idea of. He could assure the Government it was with no party feeling he made this suggestion; but he thought, if the country was not satisfied with this measure, the Committee would do well to consider his suggestion.

Mr. G. SANDARS said, the hon. Member for Finsbury (Mr. Wakley) had stated that he was against all exemptions. He himself (Mr. Sandars) had a strong objection to the compulsory clauses, and for that reason he had voted against them. But it had been stated that this measure was extremely unpopular; now, if hon. Gentlemen looked to the division lists, they would find that only one of the hon. Members for Liverpool voted against the second reading; the same might be said of Leeds, Birmingham, and other places, and also of the City of London. He regretted Government had found it necessary to introduce the compulsory clauses; but he would support the Amendment of the hon. Baronet (Sir H. Willoughby).

Mr. MOWATT thought it well that the Government should attempt to modify the hardships of the measure as much as they could. As the number of men required for the first year would be only 50,000, and they hoped to get the greater proportion by voluntary enrolment, he thought there was not much cause to apprehend that by limiting the ballot to unmarried men, there would be any difficulty in obtaining the number of men that would be required. The hon. Member for Finsbury (Mr. Wakley) said the object should be to make the exigencies of the Bill equable upon all parties; but was it doing so to treat the unmarried man without incumbrance, as the man with a wife and half-a-dozen children?

Mr. EWART said, he was convinced the common sense of the country was against the measure entirely. He objected generally to exemptions; but the Government, by their measure, introduced the question of exemptions, and one of them was the case of a poor man having more than one child. The proposed proviso, therefore, in one respect, approximated very nearly to what was the law under the Militia Act, and he should give it his support. Let the Government go to the country on the volunteer principle, and not have recourse to a conscript system, borrowed from the example of France. They had the hon. Member for Sunderland (Mr. Hudson), and the hon. Member for Wakefield (Mr. G. Sandars), rising on the other side, and stating they were against the compulsory clauses; but reason brought them back to the same conclusion, that the best way of meeting the difficulty was by increasing our standing Army. If that great man who now swayed the destinies of France—great on account of his elevated position, if from nothing else—could hear their debates on this subject, he would consider it the most ridiculous exhibition ever made by legislators. They ought to have a real force, not a paper force, like that by which this Bill pretended to legislate for the country.

Sir HENRY WILLOUGHBY, in reply to the remarks of the right hon. Gentleman (Mr. Henley), said, that of the 8,753,000 males in England and Wales, there were about 1,600,000 between the ages of twenty and twenty-five, and deducting one-fourth of that number as married men, an ample margin would be left from which to obtain the requisite number of men.

The CHANCELLOR of the EXCHEQUER said, he had the greatest respect for the hon. Member for Evesham (Sir H. Willoughby), but considered the principle which he had enforced to be of the most vicious character. There was nothing in our legislation on all points which ought to be avoided more than the system of exemptions. In the system of taxation, it was productive of the greatest possible evils. The principle which ought to be acted upon was not to increase exemptions. Under no circumstances ought such a procedure to be sanctioned. If the exemptions which now existed by law were not adapted to the present times, irrespective of the objection to all exemptions, the Committee would be able to deal with them; but the Committee were now asked to increase the list of exemptions, and thereby diminish the area of service. He certainly should oppose the proviso, first because it would tend to diminish the area of service, but principally and chiefly because he was opposed to the system of exemptions.

Mr. VERNON SMITH said, he was glad to hear the statement of the right hon. Gentleman, that he was opposed to all exemptions, and trusted that many of them would be done away with. If it was thought desirable to relieve married men, it would be better to diminish the age at which they were to be made liable, than to exempt them altogether.

Mr. MOWATT said, the observations of the right hon. Gentleman the Chancellor of the Exchequer with regard to exemptions were strangely misapplied. In the first place, Ireland was exempted; then came Scotland; and then the great bulk of the population were exempted. Eight or ten classes of exemptions were put forward, and yet, when a practical proposition was made for giving relief without interfering with the operation of the Bill, the right hon. Gentleman said if there was one thing more than another to which he was disposed to take exception, it was the system of exemptions.

The Committee *divided*:—Ayes, 53; Noes, 159: Majority, 106.

Mr. MILNER GIBSON said, he would now bring forward the Amendment of which he had given notice, for the exemption of schoolmasters and teachers in schools.

Amendment proposed—

> "To add to the end of the Clause, the words, 'Provided, that no person carrying on the occupation of Schoolmaster or Teacher in any School or other place of instruction for a livelihood, shall be liable to serve in the Militia raised under this Act.'"

MR. WALPOLE said, the exemptions had better come at the end of Clause 18; and if the right hon. Gentleman would agree to that, he would then state what his views were respecting it.

MR. MILNER GIBSON said, if the right hon. Gentleman would submit the list of all the exemptions he proposed, so that they might have an opportunity of considering them, and whether any additions should be made to them, he would agree to the proposal, otherwise he could not see but that this was the proper time to press this proviso.

LORD SEYMOUR wished to know whether there was to be a distinct class of exemptions.

MR. WALPOLE replied that the exemptions would be the same as in the 42 *Geo.* III.

LORD SEYMOUR said, all exemptions were in the nature of compromises. They had heard a great deal from the head of the Government about compromises, that it was the principle of good government. Were they to have any compromise here?

The CHANCELLOR OF THE EXCHEQUER said, they proposed exactly the same exemptions as in the Act of 42 *Geo.* III., but further exemptions were proposed, and in reference to that he said as a general principle he was opposed to exemptions, and should oppose increasing them; and when a fair opportunity occurred for discussion, the Government were not indisposed to consider the exemptions in the Act revived by the present Bill, and if any objections could be raised to the objections therein contained, they would consider them. He gave in his full adhesion to the principle of compromises, and he was quite convinced that, without that principle, nothing ever would be carried in the House of Commons.

MR. BRIGHT thought his right hon. Friend (Mr. M. Gibson) was perfectly right in proposing this Proviso now. The exemptions came after the ballot clause in the 42 *Geo.* III., and it was right that they should come after that clause now. If they determined not to exempt Members of the House of Commons, he did not see why they should exempt Peers.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 86; Noes 164: Majority 78.

MR. MILNER GIBSON said, he had now another Proviso to bring forward.

Amendment proposed—

> "To add at the end of the Clause the words, 'Provided, that no Peer of the Realm shall be exempt from serving in the Militia to be raised under this Act, anything in the first recited Act or in any other Act to the contrary notwithstanding.'"

The CHANCELLOR OF THE EXCHEQUER said, that the exemptions proposed by the Government were all of ancient date, and had not been proposed without much consideration. That being so, he could not assent to the crude and off-hand propositions now made by the right hon. Member for Manchester.

MR. BRIGHT said, he should support the Proviso. Surely it could not be any indignity to the House of Peers to be put upon the same footing with the Members of this House? He should like to see any hon. Gentleman who would stand up and contend that the Peers were invested with such a sanctity and dignity of position that they ought to be excluded from the burden which they were about to lay upon a large class of the people, and upon the Members of that House. The right hon. Gentleman the Chancellor of the Exchequer talked about the crude way in which the Proviso had been brought before them; but nothing could be more crude than the manner in which the Bill itself had been prepared. They had got a hundred clauses in the Bill before them, and many of them contained most objectionable provisions. He trusted that House would have spirit enough to assert its own privileges.

The CHANCELLOR OF THE EXCHEQUER: The hon. Member for Manchester very much misconceives my observation. When I objected to a matter of this kind being brought forward in a crude manner, I meant to say that I objected to such a question being brought forward without giving fair notice. The question has certainly given rise to a debate, without the slightest notice to the Committee of the hon. Gentleman's intention of bringing forward the proposition. As to the observation of the hon. Gentleman, the *ad captandum* observation he has made, as to Members of this House being entitled to the same privileges as those of the other

House, I would beg to remind him that the matter does not arise in the shape of a question of privilege between the two Houses. The exemption is incidental to the Peers unconnected with Parliament in the same way that a Peer is exempted from serving on a jury, while Members of this House are not exempted from serving as jurors—except while Parliament is sitting. This is a question on which the right hon. Gentleman ought to have given fair notice, and he has given no notice whatsoever. He and his Friends have loaded the paper with different Amendments, but he has given no notice of the Amendment on this subject, which has nothing to do, in my opinion, with the Clause now before the Committee.

Mr. MILNER GIBSON said, he should be sorry to take any person by surprise; but he had three or four times made an appeal to the right hon. Secretary of State for the Home Department to submit to the House the list of exemptions he would support, in order that the sense of the House should be taken on each separate exception. The right hon. Gentleman had told him that he would not do that; that it was for him (Mr. M. Gibson), or any person who wished to do so, to move Provisos with a view to objecting to any exemptions which the right hon. Gentleman might propose, or to propose any exemptions they might think it necessary to add; and he (Mr. M. Gibson) was now taking the course which had been suggested by the right hon. Gentleman the Secretary of State for the Home Department himself. The right hon. Gentleman proposed to exempt Peers from serving in the militia by the Bill he had submitted to them; and he (Mr. M. Gibson) took the opportunity—a most fitting and legitimate one—by a Proviso in the mode the right hon. Gentleman had suggested himself, to object to that exemption. He saw no just ground for it; he did not see why Peers should not purchase substitutes if they were drawn as well as other men.

Viscount PALMERSTON said, he was not prepared to say what his opinion might be of the exemption of Peers. He was really very much at a loss to imagine, at the present moment, upon what foundation the exemption rested; but he thought the Committee should consider this, that—if he understood the matter right—the only way the exemption formed part of the Bill was by reference to the Act of 42 *Geo.* III., with all its provisions. Now, it was not proposed that the ballot should take place, at the very earliest, till the beginning of next year, when they were told that a consolidated Bill would be submitted to the House. He thought, therefore, that it would be better to reserve the exemptions—many of which it might be found fitting to take away—till the consolidated Bill was brought in.

Mr. WALPOLE said, that what his right hon. Colleague had said was, that he did not object to these exemptions being taken into consideration by the Committee at a proper time, but what he objected to was, that no notice had been given of such an intention; and he thought it might be well for them to consider whether they ought not to postpone all consideration of them at present.

Mr. VERNON SMITH would advise his right hon. Friend (Mr. M. Gibson) not to press the Amendment if the Government declared that they were prepared to consider those exemptions.

Mr. EWART thought that if the Government promised to consider the question of exemptions, his right hon. Friend ought to consent to postpone it; but if no such promise were made, that was the time to press the subject.

Mr. WAKLEY said, he understood the right hon. Chancellor of the Exchequer to say, very distinctly, that on a future occasion the exemptions would be taken into consideration. [*Cries of* "No, no!"] He had heard him say so, and he thought it would be better if the whole question of exemptions was included in one discussion.

Colonel SIBTHORP hoped the right hon. Gentleman the Home Secretary would not agree to the suggestions that had been made on the opposite side of the House. They had now the upper hand, and let them not give way.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 96; Noes 162: Majority 66.

Mr. WAKLEY said, he was against exemptions altogether; but if there were to be any, no persons could put in a stronger claim on public grounds than medical practitioners. He should therefore move a Proviso, exempting them from liability to serve in the militia.

Amendment proposed—

"To add at the end of the Clause the words, 'Provided always, that not any legally qualified member of the medical profession actually practising shall be liable to serve in the Militia raised under this Act, anything in the first recited Act or in any other Act to the contrary notwithstanding.'"

Mr. WALPOLE said, that they merely continued by the Bill the exemptions in the old Act of Parliament, and he objected to the extension of exemptions, beyond those contained in that Act.

Mr. BRIGHT said, that the persons on whose behalf this proposition was made, were exempted from serving on juries.

Colonel SIBTHORP said, he hated quacks and quackery as he hated the devil, and he was therefore against the Proviso.

Mr. WYLD thought that if they consented to an exemption in favour of medical men, they would only be following out the spirit of their legislation of late years. He thought the exemption a fair one.

Mr. OSWALD was a little puzzled what to do. By a large majority, and without a single reason being heard, they had already consented to exempt Peers. It was stated that Peers were exempted from sitting on a jury. But did the right hon. Gentleman the Chancellor of Exchequer know that it was part and parcel of the English Constitution that a man was to be tried by his Peers?

Question put, "That those words be there added."

The Committee *divided:*—Ayes 77; Noes 167: Majority 90.

Mr. PETO moved to add a Proviso to the clause, that no person belonging to the Society of Friends, or Quakers, should be liable to be drawn or called on to serve. He was aware that a brother of the hon. Member for Leicester (Mr. Ellis) had suffered several months' imprisonment on account of his refusal to serve in the militia.

Colonel SIBTHORP, knowing how skilled the hon. Member for Manchester (Mr. Bright) was in military tactics, should be sorry if the country were deprived of his services in the militia. He should be delighted to drill him some of these fine days.

The CHANCELLOR of the EXCHEQUER said, it was provided by the 50th Clause of the 42 *Geo.* III., that the deputy lieutenants of the county might provide a substitute, and levy the sum required for his support by distress; and, in case of no goods, they were empowered to commit the defaulter to gaol for three months. This latter portion of the Act seemed to the Government not conformable to the spirit of the age, and when the proper time came, they intended to introduce a proviso on the subject, so as to prevent Quakers from being liable to commitment.

Mr. BRIGHT said, he had intended to propose a clause protecting the sect of which he was an unworthy member from a harsh and unnecessary enactment. In the case of any member of that sect refusing, as he would refuse, to provide a substitute, the deputy lieutenants would be enabled to provide one; and then the power was given to distrain on the person required to provide a substitute. If he had no goods or chattels, a Quaker appearing to have sufficient ability to pay 10*l.* must be sent to the common gaol for three months. It was implied that he put away his property, that he skulked from the liability. He (Mr. Bright) was sure there was no man of that sect who would conceal property liable to be seized from the officers. The Proviso he had prepared would simply repeal that portion of the Act of George III. which empowered two or more deputy lieutenants to commit a Quaker to the common gaol.

The CHANCELLOR of the EXCHEQUER said, the object of the Government was that Quakers should not be placed in a worse position than other classes of Her Majesty's subjects.

Mr. ELLIS said, his father had a strong objection to serve in the Army, or to permit his sons to bear arms. His (Mr. Ellis's) younger brother was balloted for, and the consequence was his imprisonment, for he had no goods to be seized on default of personal service, or procuring a substitute. Now, he thought the Committee would agree with him that that was a most arbitrary and unjust proceeding. He hoped that the possibility of such injustice under this Act would be prevented.

Mr. MILNER GIBSON said, he had another Proviso with respect to the balloted men. By the clause as it stood the man balloted for and obliged compulsorily to serve, was also obliged to take an oath that he would serve faithfully for five years. Now, he objected to the compulsory oath. To the volunteer who accepted a bonus, and who knew the conditions upon which he joined the militia, he saw no objection to his taking an oath; but when they compelled a man to become a soldier, and further to call upon him to take an oath to serve faithfully for five years, it was little short of blasphemy. ["Oh, oh!"] Yes; he repeated the phrase, and he was not at all sure that a Court of Law would not release a man from his obligation who had taken the oath under duresse. Such an oath so taken with the fear of imprisonment before the eyes of the militiaman, was not a binding oath. An oath, to be obligatory and binding on the conscience, must be taken with the free will of the deponent. The hon. Member for West Kent (Mr. L. Hodges) stated that no less than 800 men had deserted from one militia corps, and probably the greater number of these men had been balloted for, and had called God to witness to the solemnity of an oath. For his own part, he declined tampering with so sacred a subject as an oath. He knew upon what might be termed military evenings that little attention was paid to religious considerations; but he must ask the Committee, upon this occasion, to deliberate before they adopted the Clause, without the qualification he proposed, or one to a similar effect.

Amendment proposed—

> "To add at the end of the Clause the words, 'Provided always, that notwithstanding the first recited Act, or any other Act, no private man chosen by ballot to serve in the Militia shall be compelled to take any oath that he will faithfully serve in the Militia for the term of five years, or until he be sooner discharged."

The CHANCELLOR OF THE EXCHEQUER hoped the Committee would not be led away into a discussion upon an abstract proceeding—a discussion, he admitted, involving a principle of the greatest importance, but one which was by no means peculiar to the Militia Bill. The very same objection might be made to the administration of oaths in Courts of justice, for they were often made under pains and penalties. ["No, no!"] But he said, Yes. A man who was subpœnaed took the oath reluctantly, and to such a man the same objection applied.

Mr. LAW HODGES said, that none of the men who had deserted from the regiment in question had been balloted, and, consequently, had not taken a compulsory oath.

Colonel SIBTHORP said, the corps of which the hon. Member for West Kent spoke was a disgrace to the nation. He hoped no other branch of the service had such a stigma upon it—800 deserters—800 men forgot their duty to their King and their country; it almost made one ashamed of the country where such cowardly louts could be found. Why should not a militiaman take an oath as well as other people—why should he not serve faithfully and truly—and, if not, why should he not be punished? The man who committed the foul crime of desertion ought to be stigmatised as an outcast of society.

Mr. BRIGHT said, that the right hon. the Chancellor of the Exchequer must form a very low estimate of the faculties of the Committee when he made a comparison between the case of a man brought to a Court of Justice under a subpœna, and a man compelled to serve in the militia against his will, and then compelled to swear to serve faithfully. The witness in the Court of Justice was only sworn to tell the truth—the militiaman, who had been balloted, was obliged to swear he would do a thing which he disliked to do, and if he did not so swear he would be punished. There was, in truth, no parity whatever. The hon. Member for North Warwickshire (Mr. Spooner), in his great Maynooth case, had mentioned nothing half so odious and infamous as this. Hon. Gentlemen had cheered the hon. Member for West Kent, when he said the 800 deserters were not balloted men; but if men who freely enlisted had violated their oaths, how much more likely were those to break them who were forced into swearing, and who had taken the oath under duresse? The requirement was immoral and depraving, and ought not to be extorted from any British subject.

Sir WILLIAM PAGE WOOD said, he had for many years taken a deep interest in this subject. What was right and expedient in 1802, might not be right and expedient in 1852. He hoped the Committee would consider the advance that had been made during the last fifty years. About 4,000 or 5,000 oaths had been abolished at the Custom House alone. He had himself twice succeeded in inducing the House of Commons, by majorities, to abolish compulsory oaths in Courts of Justice. He would just allude to the preposterous state of the law in this respect:—If a man was balloted in the militia, he must make a promissory oath as a security for his obedience and fidelity; but if the man were a Moravian, or a Quaker, or a Separatist, or had been any one of these, and was now an infidel, he was exempted from swearing. But if he said he was an Independent, then he must take the oath. If a balloted militiaman did not take the oath, he subjected himself to imprisonment. If a man valued an obligation, he would respect it without an oath, and if he did not, the oath was no security. He knew an instance of a man who had been four years in prison because he refused to take an oath on the ground of conscientious scruples; and at length an Act of

Parliament was passed, whereby he was released from the necessity of swearing, and that man had since conducted himself as a good and loyal subject. When the Chartist riots were apprehended on the 10th of April, he (Sir W. P. Wood) knew of two men, peaceable and loyal persons, who, though not coming within the class of persons excepted by the Statute, declined to take the oath, though perfectly willing in any other respect to act as special constables. Their objections were based on conscientious scruples, which could not be overcome. The absurdity of some of the declarations made in Courts of Justice was glaring and manifest. From the roll in which declarations were entered by the officers of the Court of Queen's Bench, he had an extract made. It appeared that such officers of the King's, as the Masters of the Swans, &c., were obliged to make a declaration that they would not injure the Church of England; and the absurdity was only put a stop to by the officer of the Court appealing to the judge whether the King's chimney-sweeper should be called upon to make such a declaration. In short, with scrupulous persons there was no need for the oath; and, notwithstanding it, unscrupulous persons would still remain unscrupulous. He would support any proposal for relieving parties from such unnecessary oaths.

The CHANCELLOR OF THE EXCHEQUER hoped the Committee would not allow itself to be led, at that time of night, into a discussion about oaths—a subject not at all peculiar to the question of the militia.

MR. VERNON SMITH would beg the Committee to bear in mind that this was the year 1852, and not the year 1802; and that since the latter period the Legislature had found it expedient to abolish an infinite number of oaths, which had manifested themselves as not only absurd, but mischievous. If you could not rely upon the loyalty and integrity of a militiaman, you certainly could not rely upon an oath exacted under such circumstances.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 79; Noes 156: Majority 77.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. WAKLEY said, that as it had been admitted by the Government, and expressly declared by the noble Lord the Member for Tiverton (Viscount Palmerston), that the compulsory clauses could not come into operation this year, it was obviously unnecessary to enter into them now. That being the case, he should move that the Chairman do report progress, and ask leave to sit again.

The CHANCELLOR OF THE EXCHEQUER thought this was hardly fair dealing with the Government. This clause had been under consideration for several hours, and the Committee should understand the position in which it would be placed, if, after its repeated appeals to the Government to expedite the business of the country, it should accede to the Motion of the hon. Member—a Motion which, he must say, appeared to him to have the character of being factious.

MR. BOUVERIE said, that if the Motion were pressed to a division, he should feel compelled to vote for the Government, as he could not see any possible object in reporting progress. They had all been rather accusing Her Majesty's Government of a desire to delay, and ought, therefore, if only for consistency's sake, to seek themselves to expedite the public business.

MR. BRIGHT said, they had not been discussing these clauses, but for three-fourths of the night they had discussed the exemptions. The division on the compulsory part of the clause was hurried on in the earlier part of the evening to allow Gentlemen—who had now returned with white waistcoats—to go to dinner, and the majority was but 17. It was their intention to take another opportunity of discussing that point; but they did not intend to take what were called factious proceedings against this measure; and, looking back to the course hon. Gentlemen opposite had taken in past years, the conduct of hon. Members on the Opposition side of the House would bear a very fair comparison with that of those who now sat on the Ministerial benches. He proposed to take a division on the ballot in a fresh House, and therefore supported the Motion.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 40; Noes 179: Majority 139.

MR. W. WILLIAMS said, he should now move that the Chairman do now leave the Chair. He would appeal to Her Majesty's Government not to proceed any further with the Bill that night. He did not make this Motion with the view of throwing any impediment in the way of the Bill; but there was a strong desire that a division on this clause should proceed in a full House, and not in one fatigued with something like eight hours' discussion.

The CHANCELLOR of the EXCHEQUER said, that, notwithstanding the appeal of the hon. Gentleman, and the explanation with which he had accompanied that appeal, he was still at a loss to understand the motive for further opposition. If the hon. Gentleman thought there was any chance of defeating this Bill, he (the Chancellor of the Exchequer) could assure him he was mistaken. He might by the course he was taking inconvenience the Government, he might prevent the progress of necessary legislation, he might prolong the duration of this Parliament, but this Bill would nevertheless become law. Anxious as he (the Chancellor of the Exchequer) was at all times to defer to the convenience of the minority, he felt he had only one duty to fulfil now, and that was to persevere in pressing this Bill forward.

Mr. GRENVILLE BERKELEY said, he had hitherto opposed the Bill, but he would be no party to any factious opposition, and should therefore oppose the Motion.

Motion withdrawn; Clause 16, as amended, *agreed to*.

House resumed:—Committee report progress.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, May 18, 1852.

Minutes.] Public Bills.—*Reported.*—Ecclesiastical Jurisdiction; Protestant Dissenters.
3ª Bishopric of Christchurch (New Zealand; Disabilities Repeal.

THE WAR WITH AVA.

The Earl of ELLENBOROUGH said, that seeing his noble Friend at the head of the Government in his place, he wished to repeat a question which he had put a fortnight ago, with respect to the production of papers relative to the war with Ava. He hoped that his right hon. Friend at the head of the Board of Control would by this mail have received despatches which would enable his noble Friend at the head of the Government to state whether or not he was prepared to lay those papers on the table. He wished also to ask a question of the noble Earl with reference to a reflection which had been cast upon the conduct of General Godwin, the officer appointed to command the expedition. It had been imputed to him that, through his appointment, a delay had taken place in the sailing of that expedition. Now, he (the Earl of Ellenborough) knew that this was destitute of foundation, for he knew that General Godwin, being then at Umballa, received by express on the 18th of February orders to come and advise with the Government at Calcutta. He arrived at Meerut on the 23rd, and he then travelled for ten successive days and nights, reaching Calcutta on the 2nd of March; having made a journey of 1,000 miles in ten days, under difficulties, arising from the badness of the roads and the heat of the climate, of which few in this country had any idea. It was not until the 14th of March that the wing of a regiment required to join the expedition arrived at Calcutta, nor until a subsequent period that the 43rd Regiment arrived there; and it was not until the 24th of March that the troops were ready to sail. It was, therefore, impossible that the appointment of this officer to the command, could have delayed the sailing of the expedition. So far as he was able to judge from the information of which he was in possession, the appointment of that officer was a very proper one, for, as he was practically acquainted with the country, and had attained distinction there, he was likely to carry on the war with more advantage than a person who was totally ignorant of the locality. He did feel it very hard upon an officer serving his country to the best of his ability, at a great distance from home, and in the command of an expedition employed upon a most arduous service, that at the very commencement of that service his character should be thus maligned and misrepresented as that of a man unfit to command. Notwithstanding his own conviction and knowledge that no delay did arise in consequence of the appointment of that officer, he should be glad to have from his noble Friend at the head of the Government an assurance (if the despatches just received enabled him to give it) that no delay in the sailing of the expedition to Ava had actually been caused by the appointment of General Godwin.

The Earl of DERBY said, that he had no doubt his noble Friend who had just addressed the House was better acquainted with the details of the circumstances to which he had referred, than any Member of the Government except the head of the department to which the despatches were addressed. Despatches had been received at the India House the day previously, but they had not yet reached the Government. In consequence, however, of his having received from his noble Friend notice that he intended to put this question, he (the Earl of Derby) had ascertained that the Governor General made no complaint of any delay having taken place in the sailing of any part of the expedition; and he was sure that no blame could attach to General Godwin, because the whole tenor of the despatches was in the highest degree commendatory of the conduct of that officer. With regard to the other question, as to the information we have received from Ava, although the Government had not heard that the King of Ava had positively refused to make us any reparation, yet we knew that he had sent no answer to our message, and there was too much reason to fear that hostilities had commenced. The despatches which had been received should be laid on the table of the House in the course of a few days.

THE BISHOPRIC OF CHRISTCHURCH (NEW ZEALAND) BILL.

The Bishop of OXFORD, in moving the Third Reading of the Bishopric of Christchurch (New Zealand) Bill, said that he did not like that that Bill should leave their Lordships' House, taking as it did from his right rev. Friend the Bishop of New Zealand a portion of his diocese, without there going forth from that House a voice which might reach to him in his sphere of labour and self-denial, and might express to him the interest with which his course in his diocese was remarked here, and the admiration which was felt for the unusual efforts he had made for its good administration, and for the spread of the Gospel around, and might show him that he was here at home sympathised with and appreciated. When he went out to that see, he undertook no ordinary task. He was placed on an island in which his diocese was divided into seven different districts, inaccessible by any mode of conveyance except by sea; and, as he had then no ordinary means of transit by sea, he had to pass over from one side of the island to the other on foot, often arriving at the place of his destination worn out in body, and sometimes with his clothes torn from him; and this he did undeterred by the fact that he had to cross rivers over which there were no bridges, and where there were no boats to take him across. He had, however, accomplished his vocation by the utmost sacrifices of labour, of toil, and often of danger. When he had brought his diocese in these islands into something like order, he undertook the work of endeavouring to spread through the countless islands around him some knowledge of that true faith of which he was the chief minister. It was mentioned by the noble Lord the late Secretary for the Colonies a few evenings previously that by some sort of mistake there had been put into his patent some extraordinary degree of latitude, which brought his diocese almost up to the Sandwich Islands. But his right rev. Friend had, so far as was possible, given practical effect to what was no doubt a mistake. He had founded a college in the island of New Zealand, to which he had brought from the different clusters of islands around it those youths who were trusted to him, in order that, after receiving in New Zealand an English and Christian education, they might go back to their heathen friends, to be the means of disseminating the principles of Christianity and civilisation. He had also undertaken to act as captain of the ship in which he sailed, and practically to navigate it; and he conducted with his own hand these operations, that he might not draw on any resources which might be spent in other ways. He had exposed his life (very recently indeed) to the greatest possible risks, that he might more effectually perform this, his labour of love, and he had been prospered in it in a way and to a degree which gave us a promise that from New Zealand, as a centre at the other side of the earth, there should go forth the healing influences of Christianity, through all those groups of islands which were sprinkled over the Antipodes. As it had fallen to his lot to conduct this Bill through that House, he thought it due to his right rev. Brother that there should go forth to him such an expression of sympathy as might cheer him in his often lonely and unappreciated work, and might convey to him the assurance that at home, in that as well as every other assembly of his countrymen, he met with sympathising hearts who could appreciate his efforts.

The Bishop of LONDON expressed his cordial concurrence in what had fallen from the right rev. Prelate who had just addressed the House, in praise of the zeal, and energy, and devotedness which had been displayed by the Bishop of New Zealand. He thought those who had read the correspondence which had passed between his right rev. Friend and Her Majesty's Government, and the different religious bodies in this country, would be inclined to adopt the conclusion at which he (the Bishop of London) had long since arrived —that if this country wished to consolidate our connexion with our distant colonies, and to secure the continuance of their affection towards the mother country long after that connexion should have ceased, and they should have become independent States, we could not adopt a wiser course than to send out such men as Bishop Selwyn and others (for he was not the only colonial bishop whose conduct was deserving of the highest eulogium) to found and consolidate those Churches by whose medium the principles which it was the work of the Church of England to teach, might be wisely diffused and disseminated through these distant dependencies. Such men as those to whom he had referred knew that they best discharged their duty to their country while they were faithfully, zealously, and with great self-denial fulfilling the duties which they owed to the great Head of the Church whose delegated stewards they were.

Bill read 3ª, and *passed.*

House adjourned to Friday next.

HOUSE OF COMMONS,

Tuesday, May 18, 1852.

The House met, and forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *To-morrow.*

HOUSE OF COMMONS,

Wednesday, May 19, 1852.

Minutes.] New Member Sworn. — For Perth, Hon. Arthur Fitzgerald Kinnaird.
Public Bill.—2° County Elections Polls.

THE WAR WITH AVA.

Sir ROBERT H. INGLIS, seeing the President of the India Board in his place, and knowing the deep interest, he would not say anxiety, which was generally felt with regard to the war in Burmah, begged to ask the right hon. Gentleman what was the date of the last despatch which had reached him relating to that subject; also, whether there was any reason to suppose that unnecessary delay had taken place in the preparation of the expedition to Burmah; and whether the right hon. Gentleman was prepared, by the command of Her Majesty, to lay any papers relating to the matter upon the table of the House?

Mr. HERRIES said, that in conformity with what he had stated on a former occasion, he had merely to observe that he should be prepared, in a very short time, to lay upon the table of the House such papers as contained a detail of the progress of the events, which, he feared, had led to hostilities between the Burmese empire and the Indian Government. With respect to that part of his hon. Friend's question which related to delay, he had the satisfaction of informing him, notwithstanding the reports which had gone abroad touching such supposed delay, that none had occurred; that all the preparations for the expedition directed by the Governor General had been executed with the greatest exactness, and that the expedition had taken its departure for Rangoon at the time the Governor General intended, and had probably arrived there on the very day on which it was determined that it should reach its destination. He begged to remind the House, that, owing to the erroneous rumours which had been circulated upon the subject, he had stated on a former occasion that the Governor General, in his extreme anxiety to avoid pessible or ultimate hostilities, sent a letter to the King of Ava, warning him of his danger, and giving him to the 1st of April to reconsider his conduct, and make such submission to the British Government as should avert hostilities. Now, the last day fixed for the receipt of an answer from the King of Ava being the 1st of April, if the expedition had arrived there about that day, it would be just in time to execute the orders given to it, or not, as the case might be. Of course every one who was conversant with such matters would see the propriety of not allowing the expedition to arrive at Rangoon before the period when it was determined it should act.

COLONIAL BISHOPS BILL.

Mr. GLADSTONE said, this was, perhaps, the time for him to make an observation on the course of the public business, particularly with reference to the Colonial Bishops Bill, which now stood for a second reading; and he wished now to state to the House what he proposed to do with respect to the Bill. Subsequently to his having moved the second reading of the Bill, he had received an intimation that Her Majesty's Government intended to support the second reading, reserving any objections they might have till the Bill was in Committee. Yesterday afternoon, however, he received a note from his right hon. Friend the Colonial Secretary, intimating that he would oppose the second reading of the Bill. Under these circumstances, it became a grave matter for consideration with him whether he ought to invite the judgment of the House upon the measure this Session; and he wished to be allowed fourteen days to consider the question, when he would be prepared to state to the House what course he intended to take. He understood, however, from his right hon. Friend, that the debate having been commenced, it was his wish, and might probably be the wish of others, to address the House upon it. To that course he could have no possible objection; only he hoped that the House would not think him unreasonable if he asked for the time he had proposed before he came to a decision on the course he should adopt.

THE VICARAGE OF FROME—THE REV. MR. BENNETT.

Mr. HORSMAN appealed to the indulgence of the House while he explained the grounds on which he asked again for an opportunity to bring forward the question which had been for some weeks under the consideration of the Government. More than a month ago a Motion was made by him (Mr. Horsman) for the institution of an inquiry into certain circumstances connected with the institution of the Rev. Mr. Bennett to the vicarage of Frome. That Motion was negatived by the House, on the Government's undertaking that they would themselves institute an inquiry—not a friendly nor a judicial one, as had been suggested, but a *bonâ fide* inquiry into the circumstances to which he had directed their attention. After the lapse of a week from the making of that promise, his gallant Friend the hon. Member for Frome (Colonel Boyle) asked how the inquiry was proceeding; and the right hon. Gentleman the Chancellor of the Exchequer replied that it was only that day that he had received the opinions of the law officers of the Crown, and that he must have time to consider that opinion; and being pressed

by another question from him (Mr. Horsman), the right hon. Gentleman observed that the inquiry was being proceeded with, and that, while it was pending, all these interrogatories must prove exceedingly inconvenient. On more than one occasion during the succeeding fortnight, the right hon. Gentleman repeated the same statement—assuring the House that a *bonâ fide* inquiry was in progress, and that any interrogatories, pending that inquiry, had better be suspended. One month had now elapsed since the question was first mooted in that House, and three weeks since the Government had themselves admitted that they were in possession of the opinions of the law officers of the Crown. Last Tuesday three weeks, the Chancellor of the Exchequer stated that he was then in possession of those opinions, and requested time to consider their decision. Notwithstanding that the Session was drawing to a close, he, in consideration of the difficulties in which the Government would be placed if embarrassed by repeated questionings on the subject, had purposely refrained from bringing the question forward in such a shape as he otherwise should have felt it his duty to do. The reason why he had abstained from pressing the matter was, that he was unwilling to appear to embarrass the Government, and relied on the good faith in which they had pledged themselves to that House. But the Session was now drawing to a close, and he could not but feel that if the Government did not give him some facility he should find considerable difficulty in obtaining an expression of the House's opinion on this important subject. Regard being had to all the circumstances of the case, and remembering that all the delay that had taken place had been occasioned by his refraining from embarrassing the Government, he certainly did think that he had a strong claim on their favourable consideration. He was sure that the House would concur with him in the opinion that a discussion on this question had been, he would not say averted, but certainly hitherto prevented or postponed by the Government having themselves undertaken to institute the desired inquiry. From the statement that had been made in that House by the Chancellor of the Exchequer on Monday evening, it was manifest that the Government were not able to do that to which they had pledged themselves; and this being the case, he appealed to their sense of justice to place him, and, indeed, he would say to place the House, in that position which they would have occupied had reliance not been placed on the promises of the Government. He begged leave to give notice that to-morrow he should ask the Government whether they would allow the House a day for reconsidering the question, and thus enable it to resume that position which it would not have given up if the Government had not undertaken what they had found themselves unable to perform. Before he resumed his seat, he begged to ask a question of the Attorney General. It would be in the recollection of the right hon. and learned Gentleman that the Chancellor of the Exchequer had stated that the law officers of the Crown had had the whole of this case submitted to their consideration—the complaint made being in effect this—that the Bishop of Bath and Wells had instituted Mr. Bennett to the vicarage of Frome, he having been previously warned by the Bishop of London and others of Mr. Bennett's unfitness, and of the reasons why Mr. Bennett had left the diocese of London; and the right hon. Gentleman was also then supposed to state that if there were a presumption that a person in communion with the Roman Catholic Church had been instituted into a Protestant living, the evil would be so great that, notwithstanding the advanced period of the Session, the Government would have felt it their duty to bring the question under the consideration of the House; but that such a proceeding was unnecessary as the law officers of the Crown to whom the whole case had been referred, had advised the Government that, under the Church Discipline Act, there was at present legal redress for any such grievance. With reference, then, to this supposed statement of the Chancellor of the Exchequer, he begged to ask this question—Was the Chancellor of the Exchequer, in whose absence he addressed himself to the Attorney General, correctly understood to say that the law advisers of the Crown had given it as their opinion to the Government that, for the complaint which was made—that the Bishop of Bath and Wells had instituted an unfit person to the vicarage of Frome—there was, in the circumstances alleged, any redress under the Church Discipline Act?

The ATTORNEY GENERAL submitted to the hon. Gentleman that that was a very hasty way of putting to him a question of that kind. The hon. Gentleman had not given notice of his intention to put the question, and therefore he must decline to answer it at present.

Mr. HORSMAN said, he would put the question to-morrow.

Mr. WALPOLE said, that with reference to the observations which had been made by the hon. Gentleman, without any previous notice of his intention to bring the subject forward on that occasion, he thought it extremely inconvenient, in the absence of the right hon. Gentleman the Chancellor of the Exchequer, that any expression of opinion on the part of the Government should be made. So far as he was concerned, all he could say was this—in the course of yesterday afternoon he had a long conversation with the Chancellor of the Exchequer upon the subject; and so far from the Chancellor of the Exchequer or himself wishing to prevent the hon. Member bringing the matter before the House, they considered whether they could not give him an early day for renewing the subject in that House, so as to place him in the same position in which he originally stood. The state of public business was, however, such—so many Bills pressing for consideration, and the Government under so many engagements to give up their days to private Members, they did not see well how they could give the hon. Member for Cockermouth an early day for his Motion. He was sure that the Chancellor of the Exchequer would be present to-morrow to answer the question which the hon. Gentleman intended to put.

COLONIAL BISHOPS BILL—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [28th April], "That the Bill be now read a Second Time."

Debate *resumed.*

Lord JOHN RUSSELL said, that after what had been stated that evening by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), it appeared to him that the House could not come to any decision upon the subject of the Colonial Bishops' Bill that day. He thought it quite right that, after what had occurred, the right hon. Gentleman the Secretary of State for the Colonies should have an opportunity of stating his views in regard to this important subject; but he thought it would be very inconvenient that after that the debate should be allowed to go on without any knowledge on the part of the House whether the right hon. Gentleman meant to proceed with his Bill or not. He hoped, therefore, that at the conclusion of his statement as to the views of Government on the subject, the right hon. Gentleman would propose the further adjournment of the debate, so as not to involve the House in a discussion without any practical result.

Sir JOHN PAKINGTON: Sir, I appreciate the motives which have induced the noble Lord to make this observation. I can assure the House that I would gladly have been spared one of the most painful and difficult duties I have ever undertaken; but I think that the House will feel—and I am glad the noble Lord opposite has made the admission—that after the course which the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) has thought it his duty to take, after I had put it to him, this day three weeks, not to proceed with a subject of such extreme importance and difficulty, under circumstances which made it impossible for me to reply to him—I say I think the House will feel that I am acting under an imperative sense of duty in now availing myself of the opportunity afforded by the reading the Order of the Day to state the views which I entertain upon the subject. I hope, Sir, I may be favoured with the attention of the House while I proceed to state my opinion upon the Bill, which, though brief in itself, and at first sight simple in its phraseology and enactments, is, I believe, when closely looked at, the most important Bill upon ecclesiastical matters which has been for years submitted to this House, and which, I believe, if it were to pass into law in its present form, would be the first step towards a change in our ecclesiastical polity, which may indeed be desired by a certain party in this country, but which I believe is one that is decidedly opposed to the opinions of the great body of the people, not only in this country, but in the Colonies not less. I rise, Sir, under the unusual disadvantage of replying to the speech of my right hon. Friend after an interval of three weeks since that speech was delivered; but I consider the difficulty less—although it cannot fail to be one—than it otherwise would be, inasmuch as the speech of the right hon. Gentleman was for the most part addressed to those points in which I am happy to say that I agree with him—namely, to the necessity of affording to the Church in the Colonies some greater freedom of action than it now possesses. My speech will be rather addressed to that part of the subject upon which I differ widely from him—namely, the provisions and enactments which are contained in his Bill, which I shall now proceed to notice; but I feel I cannot differ from him in any degree without assuring him—and I do so with the greatest pleasure—that no one is more willing to recognise the great capacity of the right hon. Gentleman, and no one more willing to state his entire belief that the right hon. Gentleman, in taking up this subject, which no man understands better, is actuated by the most pure and conscientious motives. But while I fully and entirely make this admission, I feel at the same time bound to say that I will not yield even to my right hon. Friend in attachment to that Church of which we are both members; neither will I yield to him in the desire to hand down to our descendants within the distant possessions of the British Crown all the blessings of that Church, with her Protestant simplicity and purity, with her toleration and her charity. I distinctly admit it is part of the duty of my office to endeavour to do all I can to accomplish that object. And when I shall look back to the period during which I have held the office which I have now the honour of filling, nothing would give me more satisfaction than to be able to feel that I had contributed in any degree, however small, to bring about the result that our descendants in the most distant lands shall inherit from us, together with our language, our laws, our literature, and our freedom, that blessing which I believe to be the greatest of all, and to be closely associated with our freedom—namely, the blessing we derive from our reformed Christian faith. Approaching the subject with these feelings, I am quite ready to admit to my right hon. Friend that upon certain points the Church in the Colonies suffers under great disadvantages, and I believe that she stands in need of our legislative interference to enable her to make those regulations which are essential to the discharge of her proper functions as a Christian Church. I believe that these disabilities are, chiefly, threefold. They consist, first, in her inability to make regulations for her own discipline; secondly, in the want of greater power of synodical action; and, thirdly, in the want of power to adapt her form and her liturgy to the requirements of a Missionary Church, which must be considered as one of the most important functions and duties of a Church so situated as the Church in the Colonies. These, I believe, will be the three principal difficulties with which we shall have to contend. But one of the greatest of them is the want of power on the part of the bishops of the Colonial Church to carry out a proper discipline in their respective sees. It is commonly supposed that a bishop in a Colonial diocese wants greater power than he at present possesses. My right hon. Friend pointed out—and I fully agree with him—the fact that the power of the Bishops in the Colonial dioceses is, in effect, greater than it ought to be. It is an autocratic power; and what is really wanted is, the means of bringing offenders under some proper mode of trial. The right hon. Gentleman pointed out two instances that have occurred in the diocese of Tasmania. I was myself told by the Bishop of Cape Town that he was obliged to dismiss two curates, acting thereby under an autocratic power, and that he felt painfully the disadvantage of possessing such power. And, no doubt, where power is carried to this extent, it is sure to cause reaction and jealousy; and however justly it may be exercised, it is always certain to create dissatisfaction. But a late event has brought out this disadvantage, and excited attention to existing deficiencies in more than a usual degree. I allude to the synod, if it may be so called, or meeting of the Australian bishops, held in Sydney in 1850. The right hon. Gentleman has adverted to that meeting. I have now the minutes of their proceedings before me. One of those proceedings arose from the painful differences which agitated this country some two or three years ago, in connexion with what is well known as the "Gorham Case." In consequence of that case, the bishops made a minute — which was certainly dissented from by one of the number then present, namely, the Bishop of Melbourne; the tendency, however, of that minute, if carried out, would be to exclude from the Church of England in the Colonies every clergyman who concurred in the decision of the Privy Council. I am far from saying that it was the intention of any one of those bishops so to exercise the power which he possessed. Feeling, however, that the power rested with the bishop's free and unfettered discretion to grant licences or withhold them—to permit them to remain in the possession of the clergy, or revoke them—feeling that this power existed and might be exercised against clergymen who held different views on the difficult subject of baptism from those which might have been propounded by the bishops, a feeling of panic was created in the minds of a large body of the clergy and laity; a meeting of the laity and clergy was held, and I now hold in my hand an address which was agreed upon to be presented to the Archbishop of Canterbury and to the Crown, praying that protection might be afforded to those who dissented from the form of the resolution of the bishops adopted elsewhere. Sir, I have no hesitation in saying that I, for one, will be no party to narrowing the broad and comprehensive basis on which the Church of England now rests; and, seeing the panic which was created in the Australian Colonies by this minute of the bishops, I am prepared to join with my right hon. Friend in the opinion he has expressed, though perhaps we differ in our reasons for such a conclusion, that there ought to be some change made in the law, so as to give these Churches those powers they require, and which can only be conferred on them by the Legislature. We shall thus prevent the bishops retaining a power which I do not say they exercise improperly, but which I think dangerous and invidious in its nature, and which has already in one case led to a deep and wide-spread feeling of alarm. It is now my duty to state to the House, that, in consequence of these transactions, and of the representations that have been sent home to this country, the attention of his Grace the Archbishop of Canterbury was directed to the state of these circumstances; and his Grace felt that the time was come when some legislation ought to be adopted which would place the Colonial Churches on a better footing. In consequence of that opinion, the Archbishop of Canterbury wrote to the Bishop of Sydney, as metropolitan of Australia, for the purpose of consulting him as to what form, in the opinion of the bishops of Australia, our legislation ought to take; and at the same time he expressed his readiness, as head of the Church in this kingdom, to assist in carrying out effective legislation, when he had ascertained their opinions on the subject. His Grace has given me permission to read an extract from a letter which he wrote. The following is such extract:—

"In consequence of a representation which

> reached me in July last from the Australian bishops, I wrote to the Bishop of Sydney, as metropolitan, requesting him to send me an outline of the practical difficulties at present existing, and of the measures by which it appeared to him that they might best be remedied. It seems that some such basis is desirable for any legislative measure which may afterwards be proposed in Parliament; and with that information it will not be difficult to frame a Bill after the example of the Clergy Discipline Act, which may remove the impediments now embarrassing ecclesiastical government in the Colonies."

I will not trouble the House with the rest of the letter, which refers, in strong and direct language, to the Bill we are now considering. It was my intention, when this Bill was first under our consideration, strongly to urge upon this House—pending an answer to this letter from the Archbishop of Canterbury to the metropolitan of Australia, recognising the necessity of legislation, and asking advice as to what shape legislation should assume—that it would not have been right, or, I will even say, decorous, to pursue this Bill. But, since my right hon. Friend the Member for the University of Oxford made his statement to the House, the Archbishop of Canterbury has received an answer from the Bishop of Sydney; and I will now read to the House that answer, or at least so much of it as bears upon the Bill now before the House, and the question submitted by the Archbishop to the right rev. Prelate:—

> "The whole subject requires minute and careful discussion both here and at home. With a view to ascertain the state of feeling and opinion here, I purpose, if God be pleased to permit me, to assemble my clergy early in February; and having obtained their preliminary advice, shall seek to collect the suffrages of the laity, by prudent consultation with them and the clergy jointly, in what may, I trust, be deemed a lawful assembly. But it is not apparent how any determinate conclusions can be arrived at without a fresh discussion at home of the opinions offered by the separate dioceses, brought collectively under the review of a competent tribunal to prepare and draw up the terms of a Bill to be submitted to Parliament under the sanction of Her Majesty's Ministers."

Then comes another extract from the same letter:—

> "At the close of our deliberations last year it was a subject, not of debate in conference, but of private conversation among my brethren, whether I, as their metropolitan, ought not to be accredited to proceed to England, for the purpose of initiating measures for giving legal effect to our determinations. At the time I certainly gave no encouragement to the suggestion . . . . I am not prepared to say what my determination would be if the call should now be made upon me to undertake a voyage to England. I suspend for the present my judgment as to the most advisable course, but on my return to Sydney will do myself the honour of writing again, when it is posible circumstances may enable me to express myself more decidedly."

Now, I think the House will feel with me, that after the receipt of such an answer from the Bishop of Sydney, and the expression of his Grace's wish to assist in promoting legislation upon the subject, it would not be proper to proceed further with the present Bill; and I am bound on this occasion to say, that I think pending such a reference between the Archbishop of Canterbury and the Bishops of Australia, this Bill ought to be postponed. But it is impossible for me, after the manner in which my right hon. Friend urged this Bill upon the consideration of the House, and after the statements he has made of its scope and objects, to consent to a simple postponement of the measure—I feel that I should ill discharge that duty which has devolved upon me, if I did not enter into the merits of this Bill, and I hope the House will indulge me with its attention while I detail to it what I consider to be its real scope, object, and tendency. In the first place, let me say, the Bill is drawn up in terms so indistinct—who drew it for my right hon. Friend, I cannot say—in language so open to doubt, that I very much question, indeed, whether any two lawyers could be found to agree in opinion as to what its real effect would be—I very much doubt whether any colony could venture to adopt it, or whether any Church could venture to regulate its proceedings by it. But one fact strikes me most strongly at the outset. In the preamble of this Bill, the right hon. Gentleman says the measure is necessary in regard to the present powers and rights of the Colonial Church. He told us that those doubts rested upon the statutes of Henry VIII. Now, I presume my right hon. Friend refers to the statute passed in the 25th year of Henry VIII., ch. 19, known by the name of the *Statute of Submissions*, and which restricts the Assembly of Convocation from framing canons without the licence of the Crown. But it will strike every one who looks at this Bill, that although that statute is the foundation of the doubts to which my right hon. Friend adverted, that statute the Bill altogether fails to repeal. Now, nothing would be easier, if my right hon. Friend only wished to set at rest such doubts, than to say that so far as these Colonial Churches are concerned, that statute should have no effect; but instead of doing so, my right hon. Friend leaves that statute in full operation. The consequence will be evident—that whatever additional power the Colonial Churches would acquire under this Bill, could be only derived from the enactments contained within the four corners of the Bill itself. The disabling statute will remain untouched; and unless this Act sets them free, their disabilities will remain what they are —that statute would be maintained in full force, though the evident scope and object of the Bill is to countervail that statute. It therefore becomes necessary that we should see what is the great scope and effect of the Bill which is to countervail that statute, and to give these Churches power which they do not at present possess. My right hon Friend said, that his only object was to place the Church of England in the Colonies upon an equality with all other denominations of Christians. I will not pledge myself whether I am prepared to go that length. I cannot doubt that such is the object of my right hon. Friend's measure; but I very much doubt if this Bill is worded in such a manner as to render it easy to ascertain what it really will do. I must, however, deal with this Bill on the assumption that it will be good for what it proposes on the face of it to do. I believe (and it is for that reason I attach so much weight to the Bill) that if this Bill is carried out, the effect will be threefold. In the first place, I think it is very doubtful whether, instead of giving equality, the measure will not place the Church of England in the Colonies in a state of dominance which it has never yet possessed anywhere, and which no other colonial Church possesses. Secondly, I think it will tend to break up the Church of England into a number of small separate Churches; and, thirdly, I am of opinion that it will tend to destroy the supremacy of the Crown. Now I feel that I am dealing with subjects of no ordinary magnitude and difficulty. I can assure the House that I approach them with the most unaffected diffidence. If I exaggerate what the effect of this Bill would be, I beg to tell my right hon. Friend that I will end my observations with such a Motion as will leave him at liberty to speak again. If I am in error let me be corrected. I have no wish to exaggerate anything, but I will state to the House what my belief is, that the clauses of this Bill really contain. The first clause proposes that—

> "The bishop or bishops of any diocese or dioceses in the colonies enumerated in the schedule (A) to this Act annexed, or in any other colony which Her Majesty shall, as hereinafter provided, by Order in Council, have declared to fall within the operation of this Act, together with the clergy and lay persons being declared members of the said Church, or being otherwise in communion with such bishop or bishops respectively," &c.

Now, I have consulted several eminent divines, and several eminent lawyers, but I have not met with one lawyer or with one divine who can tell me what is meant by the "declared members of the said Church," or what is meant by "otherwise in communion with the said bishops or bishops." The clause then goes on to say, "to meet together from time to time, and at such meeting, by mutual consent, or by a majority of voices of the said clergy and laity, severally and respectively, with the assent of the said bishop, or of the said bishops, if more than one." Doubts have also been suggested what is meant by "clergy and laity," of what portions of the laity these meetings are to consist, how they are to be convened, whether they are to vote separately or concurrently; and these are matters of detail deriving importance from the fact, that as you have no repeal of the disabling statute, these arrangements ought to be clearly enacted, and, if they are not, you cannot proceed. and the Colonial Church cannot act upon them. But now comes the really important part of the clause—that this synod of clergy and laity—and I entirely concur with my right hon. Friend in his proposition to give concurrent power to the laity in any synod that may be established—this court is to "make such regulations as may be held necessary for the better conduct of their ecclesiastical affairs, and for the holding of meetings for the said purpose thereafter, any statute, law, or usage of the United Kingdom to the contrary notwithstanding." If you take the words at the beginning of this clause, namely, "that any bishop or bishops of any diocese or dioceses,"—that they shall meet, and by mutual consent, or by a majority of voices, shall make all such regulations as they may deem necessary—I say, if these words mean anything—setting aside the indistinctness as to the constitution of the synod—they mean this —that every diocese shall form a separate Church in itself—that in every such diocese regulations which, of course, may include canons, may be made by the consent of the bishops alone, and thereby may set aside the authority of the Crown. Thus, any canons of these Churches may be carried out under such circumstances. You would then have a separate Church in every separate diocese, and you would, as a natural consequence, have different regulations, different laws, and different canons; and amid all these difficulties, one thing is clear—namely, the separation from the Church of England would be complete, and the authority of the Crown would be superseded. This may be a beneficial change or not; but it is one the magnitude and importance of which cannot be overrated. I submit that if such changes in the Church are to be made, they should be openly stated upon the face of the Bill. My right hon. Friend professes equality; but instead of equality he will give dominance, if this clause means anything. Sir, I speak in the presence of gentlemen learned in the law. I believe, that taking this clause separately, that it would not only create separate churches and set aside the prerogative of the Crown, but it would also override all statutes of the Colonial Legislatures, or even of the Imperial Parliament. I believe that instead of the measure conferring equality upon the Colonial Church, it would give dominance to it. The regulations of the canons in each synod would override the enactments of the Legislature. There are important Acts now in operation in New South Wales, in Van Diemen's Land, and in Canada, regulating the *status* of the Church in those colonies, all of which would be overridden by this law. The House will perceive that this is a very grave question. Having thus frankly explained my opinions on this part of the Bill, I now pass to the second clause, which, like all the remaining clauses, is of a negative character. Still if it means anything, we must suppose that it will enact what is therein indicated. The second clause is as follows:—

> "But it shall not be lawful to impose by any such regulation any temporal or pecuniary penalty or disability, other than such as may attach to the avoidance of any ecclesiastical office or benefice."

I presume that a synod so constituted is to be able to "avoid any ecclesiastical office or benefice:" there is no distinction; consequently bishops may be deposed under this clause. Now I beg leave to call the attention of the House to an Act of the Imperial Parliament in operation in Canada, by which it is declared that their rectors shall possess all those rights, and shall be made subject to all the liabilities of incumbents in England. And here let me explain a mistake into which my right hon. Friend has fallen. My right hon. Friend, referring to an Act of the Canadian Legislature which has been lately sent home to this country, and to which he rightly judged the assent of the Crown has been given—by that Act, the right hon. Gentleman said, erroneously, these rectories were disendowed. Now, he is mistaken in this opinion. If he will refer to the Act, he will find that it goes no further than to deprive the Crown of the power given by the 31 *Geo.* III. to constitute further rectories. I have no hesitation in saying that we have advised the consent of the Crown to be given to that statute, because with the recollection that the Clergy Reserves Act of 1840 had taken away the power of endowment, we thought that it was quite useless for the Crown to retain the power of constituting new rectories. But the right hon. Gentleman is wrong when he says that the Act to which I have been referring, disendows the rectories, for the existing rectories are left altogether untouched by it. Sir, I apprehend that if this Bill becomes the law, these synods will have the power of depriving the Canadian rectors of their livings, as well as bishops of their sees. Upon the 3rd Clause I will not detain the House by making any remarks; but I will proceed at once to the important points involved in the 4th Clause, which runs thus:—

> "And no such Regulation shall in virtue of this Act be held to have any other legal Force or Effect than the Regulations, Laws, or Usages of other Churches or Religious Communions in the said Colonies."

If I am to take this clause in the sense which it conveys, these regulations shall not confer more power on the Church than is now possessed, for instance, by Roman Catholics or Wesleyans, *quâ* religious denominations. It is obvious then, that it may nullify all the former clauses of the Bill, and reduce it to a mere nothing. But I have the advice of competent lawyers upon this Bill, which goes the length of saying that this clause and the former clauses of the Bill are inconsistent—that nobody can construe them together. The 1st Clause gives enormous power for making arrangements for the guidance of the Church, any statute, law, or usage of the said Church notwithstanding. This 4th Clause, however, withholds any such power. I believe it would be an open question with lawyers which construction the Bill would bear. But there is another important view of this clause to which I beg the special attention of the House. The 4th Clause says—

"And no such Regulation shall in virtue of this Act be held to have any other legal Force or Effect than the Regulations, Laws, or Usages of other Churches or Religious Communions in the said Colonies." Now, I wish to call the right hon. Gentleman's attention to the Quebec Statute, the 14th *Geo.* III., which was passed after the conquest of Canada, by which the Roman Catholic Church was invested with all the rights and powers of a Church, and amongst the rest with the collection of tithes: there you have a law of a church in a Colony. Sir, I think it is fairly open to argument, whether the Church of England in the Colonies may not say, "Here is a law which gives the right of tithes to a Church in Canada, and the question is whether we may not also collect tithes in the colonies in which we are placed. [Mr. GLADSTONE: Hear!] My right hon. Friend cheers that observation: that may not be his intention, and I suppose it is not; but I am not dealing with his intentions, for I know them not—I am dealing simply with what is within the four corners of this Bill, and to this I wish particularly to confine myself. The 5th Clause merely restricts the synod from the nomination of bishops; but, in the same breath, the right hon. Gentleman proposes to take from the Crown the nomination to archdeaconries and other ecclesiastical dignities. I shall now pass on to the 6th Clause, where the right hon. Gentleman says—

> "And any such regulation touching the existing relation of the said bishops, clergy, and others to the metropolitical see of Canterbury, shall be forthwith transmitted by the presiding bishop or his deputy to the archbishop of the said see, and shall be subject to disallowance by the said archbishop, under his hand and seal, at any time within twelve months from the passing of the said regulation, or within six months from the receipt thereof by the said archbishop, but not afterwards."

Now, what I wish to point out to the right hon. Gentleman in reference to this clause is this: I believe that the security he here takes in reference to the Archbishop of Canterbury is worth nothing at all. My right hon. Friend reserves to the bishops the power of transmitting any such regulations to the Archbishop of Canterbury—[Mr. GLADSTONE: It requires them to do it.] Yes, but it requires them to do so on matters touching the existing relations of the said bishops; and it remains for the bishop to decide in each case, at his own discretion, what does or does not touch the existing relations. There is no security whatever for its true meaning. The bishop might say, this does not touch our relations with the see of Canterbury, therefore we are not called upon to send it home. It appears to me that the meaning of this clause is ambiguous, and it will be left to the bishop's own judgment to say whether those regulations are such as it would be necessary for him to send home for the consent of the Crown. The right hon. Gentleman seems to have founded this clause upon the existing practice with regard to Acts passed by a colonial Legislature, where there is a power given to the Governor to reserve and send home laws which he may think it his duty specially to reserve; but then it makes no difference in fact, if the Governor is not disposed to reserve an Act, for every Act is sent home, and is examined at the Colonial Office, and the pleasure of the Crown taken upon it; and it has no effect for two years, during which period there is a power of disallowance in the Crown. There is a security in the one case, which is wholly wanting in the other. I must now beg the attention of the House to the 7th Clause in the Bill, which I think by far the most important, as going to corroborate and confirm the observations which I made on the 1st Clause. My right hon. Friend here says—

> "And no such regulation shall authorise the bishop of any diocese to confirm or consecrate, or to ordain, or to license or institute any person to any see, or to any pastoral charge, or other episcopal or clerical office, except upon such person having immediately before taken the oath of allegiance to Her Majesty, and having likewise subscribed the Thirty-nine Articles, and having furthermore declared his unfeigned assent and consent to the Book of Common Prayer."

I do not know whether the House is aware that the words now used in this clause involve a most important alteration of the Ordination Service. The service of the Church of England requires that no person shall be ordained until he has taken the oath of supremacy. Now there is no such requirement here; the oath of supremacy is altogether dispensed with. The oath of allegiance is substituted for the oath of supremacy. [Mr. GLADSTONE: Not substituted.] At all events the oath of supremacy is dispensed with. Now what is the 36th Canon of our Church? It runs in these words (omitting other words which are irrelevant to my present purpose):—

> "That no person shall be received into the ministry, nor admitted to any ecclesiastical functions, except he shall first subscribe a declaration, &c., 'That the King's Majesty, under God, is the only supreme governor of this realm, and of all other his Highness's dominions and countries, as

well in spiritual or ecclesiastical things or causes as temporal."

Now, here is a question raised of the greatest magnitude. I am advised that this is the first attempt that has ever been made to enable persons to hold an ecclesiastical office in the Church of England without first taking the oath of supremacy. This clause sets aside that oath, and dispenses with the 36th Canon of our Church. I must ask my right hon. Friend whether this has been done by design or by accident? Does he intend to put an end to the oath of supremacy, and to dispense with the 36th Canon of the Church; or is it merely a blunder on the part of the individual who drew up the Bill? This is a matter which I feel it impossible to pass over, inasmuch as I consider it to be an attempt to do away with the supremacy of the Crown—a supremacy which let not hon. Gentlemen suppose to date from the Reformation, but which dates from much earlier struggles, for centuries—which has been asserted and maintained, which pervades our articles and our canons, and which has been re-enacted in repeated statutes. Is it, again I ask, by accident or design, that this oath is dispensed with? Is it possible for me, as a Minister of the Crown, to consent to a Bill that dispenses with the oath of supremacy, and the 36th Canon of our Church? I may be told—I do not know that the right hon. Gentleman is prepared to hold that language—that the supremacy of the Crown of England in matters ecclesiastical does not extend to the Colonies of the British Crown. I will not, Sir, detain the House by entering into this matter, or by attempting to prove that which I do not think requires proof, but which must be admitted by every one who has studied either the law or the history of this country. In adverting to this subject, let me only remind the House of the effect of the statutes of Henry VIII. The 1st of Elizabeth also declares, in language as clear and distinct as language can be made, that the supremacy of the Crown in matters ecclesiastical does extend to all the dominions under the Crown. The 1st of Elizabeth uses these remarkable words —"Within this your realm, and throughout your Highness's or any other your Majesty's dominions and countries," speaking on the subject of the supremacy of the Crown. Now can any one contend that those words do not embrace of necessity all the Colonies under the British Crown? What is the language of the Quebec Act, to which I have already adverted, by which great powers are given to the Roman Catholic Church in Canada? The 5th Section of that Act enables the Roman Catholic inhabitants of Quebec to exercise the Romish religion, subject to the King's supremacy, declared by the 1st of Elizabeth over all the dominions and countries which then did or should thereafter belong to the Imperial Crown of this realm. What language can be clearer? I have repeated statutes before me—Acts relating to the East Indies for instance—in which the supremacy is made applicable to the various possessions of the Crown. I pass on, for I do not believe it possible that the right hon. Gentleman can for a moment vindicate this Bill on the ground that the supremacy of the Crown of England does not extend to our Colonial possessions. Sir, it only remains for me to notice one more branch of this subject. My right hon. Friend, in his opening speech on a former occasion, rested his case on the demand made by the Colonies themselves for such a measure as he has brought forward. Now, after what I have said with regard to the provisions of the Bill, I approach this part of the subject with perfect confidence. The right hon. Gentleman adverted to petitions which he had received from the Canadas, the Cape of Good Hope, and the Australian Colonies on the subject. I am not prepared to deny the receipt of these petitions; on the contrary, I fully admit that there is now a great anxiety on the part of the Colonies for increased action in the Church there—from Canada, the Cape of Good Hope, and Australia there have proceeded strong expressions of a desire that legislation should take place in such a way as to enable them to make better regulation for the government of the Church than they were now enabled to effect. But the right hon. Gentleman did not say in his speech that there had been a single application from any one of the Colonies expressing a desire for the Bill as it stands now—much less did he show that any application had been made to him tending to exhibit a desire on the part of the Colonial Church, either to separate from the Church of England, or to affect the supremacy of the British Crown. I am happy to say, on the contrary, and it is in my power to prove, that although the colonists want legislation, as I have said, to enable them to have increased power for self-government in the Church, they at the same time earnestly desire to keep up their connexion with the Church of England. I will first advert to some proceedings which took place at Melbourne, where a large body of the clergy and laity had assembled, and in respect to which my right hon. Friend himself read to the House the first resolution that had been come to there. That resolution was as follows:—

> "We are of opinion that an assembly or diocesan synod shall be constituted, and shall be presided over by the bishop of the diocese, and that such assembly shall consist of all the clergy of the Church within the diocese."

There you see the desire expressed for self-government only; but the right hon. Gentleman did not call attention to a further resolution which had been passed at the same meeting, and to which I beg to call attention now. It runs thus:—

> "We are of opinion that no advantage can be gained by the formation of any provincial assemblies whatever, so long as the present close connexion of our Church in the Australasian colonies with the Church in England continues; and we would further state that it appears to us that such assemblies would have a direct tendency to weaken that connexion, and by the assumption of authority which belongs only to the Queen in Council, to interfere with the independence of the individual bishops and their dioceses. We are of opinion that in order to maintain and strengthen our union with the Church of England it would be advisable for each diocese, in the separate and independent colonies of Australasia, in matters of metropolitan jurisdiction, to be subject to that of Canterbury only."

They then go on to another resolution, namely—

> "We are of opinion that, in order to strengthen the union with the Church of England, it is advisable in all matters of ecclesiastical importance, the jurisdiction of the colonial Church should be subject to the see of Canterbury."

So that their desire is rather to strengthen than to weaken their connexion with the Church of England. I come now to the meeting which has been held of the laity at Adelaide, at which several resolutions were carried, and a memorial agreed to. The seventh resolution I will take leave to read, namely—

> "That a copy of the foregoing resolutions be forwarded by the chairman to the Lord Bishop of Adelaide and to his Grace the Archbishop of Canterbury, our Primate, with an earnest supplication that his Grace will use his authority to protect the Church in South Australia from any episcopal interference with its doctrines and discipline, which has not previously received the direct sanction of his Grace and of Her Majesty, as the supreme head of the Church."

Now, this is the clear language of the laity. I beg leave to show next what has been said by the clergy at Adelaide. But, before doing so, I must mention that the clergy at Adelaide express in strong language to their bishop their disapprobation of what I had before adverted to, namely, the declaration with regard to baptism, which had been arrived at in the synod assembled at Sydney. The Bishop in answer to this application, says—

> "I return for publication the resolutions and opinions arrived at by the clergy on the minutes of the conference at Sydney, which on my return I submitted for their consideration. They appear to me to be characterised by a calm and serious spirit, which, under the circumstances of excitement lately prevailing, is peculiarly gratifying. Should Her Gracious Majesty, as supreme head of the Church of England, authorise the clergy and laity of the Australasian dioceses to frame their own ecclesiastical polity, subject to Her approval, and should it be deemed advisable to depart on any point from the existing constitution of the English Church, I trust that the pattern of other reformed Protestant and episcopal churches will be followed, and the relations of the bishops, clergy, and laity, as set forth in the Scriptures, be carefully preserved."

This will show, that although the Bishop of Adelaide is one of the authorities upon which the right hon. Gentleman relied for his Bill, the right rev. Prelate has distinctly stated that he disapproved of any measure which would interfere with the supremacy of the Crown. It was only yesterday that I received a letter addressed under mistake to Earl Grey, my predecessor in office, from the Bishop of Adelaide himself, which I beg to read to the House:—

> "I have the honour to transmit to your Lordship a document connected with the future action and development of the Church of England in this diocese. Our subordinate relation to the mother Church, and spirit of obedience to the legal supremacy of the Crown, have, I trust, been duly preserved inviolate during the friendly discussions which have preceded the adoption of this report."

I will not trouble the House by reading it further—what I have already read is enough to show the strong feeling that exists in the bishop's mind against any separation from the Church of England. He then forwards to me a report, which purports to be a draft of a constitution for the Colonial Church Society in that discese. It has been drawn up by the clergy themselves, and is as follows:—

> "The clergy being under an obligation implied by their subscription to the Thirty-nine Articles, it is not competent in a diocesan assembly to make any alteration in the terms of these Articles."

This is enough for my purpose to show that the clergy themselves are prepared to adhere to the 36th Canon of our Church, which, as I before observed, is dispensed with in the present Bill. It only remains for me now to notice the proceedings of the clergy and laity of Tasmania. The address adopted by the clergy of the northern division of Tasmania is as follows:—

> "We are also opposed, in the strongest manner, to any legislative or other proceedings that will have the effect of taking from the Australian Church, in reference to disputed points of doctrine and discipline, the right of appeal in the last resort to the highest ecclesiastical court in England. It is our pride to look with affectionate regard to the religious and secular institutions of Britain as the worthiest manifestations of her greatness, and we desire to cultivate in the minds, and to transmit to the affections of our children this sentiment in unimpaired freshness."

I read with delight these sentiments on the part of a numerous body of the clergy in that district; inasmuch as they express an earnest desire not to separate their Church from the Church of this country, or set aside the supremacy of the Crown. I hold in my hand resolutions of a similar character adopted by the laity of the southern division of Tasmania, assembled at Hobart Town, and also a memorial sent home from the clergy of Tasmania, adopting those sentiments by a large majority. After declaring their anxiety for some effectual legislation upon the subject, they come to this remarkable resolution:—

> "That your memorialists view with much apprehension any measure or act that would have the effect of separating the Australasian branch of the Church of England from all but doctrinal unity with the United Church of England and Ireland, as likely, at no very distant period, to lead to the severing of the only remaining link, and also as tending to dissolve the civil and political bond which keeps Tasmania and the whole Australasian group of Colonies a portion—and a most valuable portion—of the British empire."

I will now read the prayer of the memorial, which is as follows:—

> "Your memorialists, therefore, most humbly present this memorial, earnestly praying that your grace and all the archbishops and bishops will be pleased to give it your early and careful consideration, and that you will sanction no Imperial legislation which would involve a change of relation with the mother Church, or fail at least to secure the right of appeal to the highest ecclesiastical authority in England, and fully to establish the rights and liberties of the clergy in the diocese of Tasmania."

I have called attention to the memorial of these parties as showing what is the desire of the Australian Colonists. I will now only advert to a petition presented by my right hon. Friend from the Bishop of Cape Town, before he proceeded to move the second reading of this Bill. It will be recollected that in the course of his speech my right hon. Friend adverted to the views entertained by the Bishop of Cape Town; and, as I understood him, he said that the petition of the right rev. Prelate was in support of the Bill, and in favour of it as it now stands. As I have already pointed out that, in my opinion, this Bill would sever the Church of England from the Colonial Church, I thought it somewhat remarkable that the right hon. Gentleman should put forward the Bishop of Cape Town as a petitioner in favour of it, particularly as I believed the right rev. Prelate to be one of the most exemplary and admirable of the colonial bishops. I therefore thought it my duty—a duty I owed to the right rev. Prelate—to make certain that there might be no mistake as to what his views really were, and I accordingly spoke to him on the subject. I told him what my opinion was respecting this Bill—an opinion founded on the highest advice I could take—that it was a measure which I thought would break up the Church of England, and cause its separation from the Church in the Colonies. I also told him that I believed it would impugn the supremacy of the Crown; and, therefore, asked him whether he was prepared to petition Parliament, and give his authority in favour of a Bill which would be attended with such results? The right rev. Prelate, in reply, gave me his authority for stating that, in petitioning for the present Bill, he desired no more than greater freedom of action to the Church—that no man would shrink more than he would from impugning the supremacy of the Crown, and that so far from wishing the Church in the Colonies to be separated from the Church in this country, he was anxious to draw tighter the bonds of union between them. With these views, which I have stated as clearly as I can, and at a length which I fear may have wearied the House, it is impossible for me to consent to the further progress of this Bill. I have before said, I consent to the principle of it, in so far as that I agree with the right hon. Gentleman, that it is desirable that some legislation ought to be adopted to give greater powers of self-government to the Colonial Church; but I cannot consent to an application of that principle which involves the grave considerations to which I have adverted. Whatever my position in life may be—whether Minister of the Crown, or an independent Member of Parliament, or a private citizen of the State, I certainly will be no party to breaking up the Church of England into fragments, or to impugning the supremacy of the Crown, which in my conscience I believe to be one of the surest guarantees for the religious liberties which we enjoy. Under these circumstances I implore the right hon. Gentleman not to proceed with the Bill; although I must say I am slow to believe that he really intends to bring about those results which I think this measure would be sure to effect. [Mr. Gladstone: Hear, hear!] I accept that cheer most thankfully; but I still believe that it is a Bill which will bring about these results. I entreat of him not to proceed with it—not even to think of merely putting it off for a fortnight—but I entreat him to withdraw it on the grounds of the negotiations that are now going on between the Archbishop of Canterbury and the Metropolitan of Sydney, and which negotiations, I believe, will lead to useful legislation on the subject. Of this I can assure the House, that if I retain my office for another year, it will not be my fault if some legislation on the subject does not take place. I have no hesitation in saying thus much; but I implore of him, seeing the negotiations that are going on, and the great doubts, at least—that I am sure he cannot deny—which surround the enactments of this Bill, I entreat of him to abandon this measure altogether. I have no wish to move that the Bill be read a second time this day six months. I wish to meet him in the most friendly spirit, and I trust he will not drive me to the alternative of considering whether it will not be my duty, as a Minister of the Crown, to tender my advice to Her Majesty not to give her consent to the further progress of a measure which I believe will be incompatible with her just prerogative, and will invade her undoubted supremacy. Under these circumstances, Sir, I shall move that the House proceed to the other Orders of the Day.

Amendment proposed, to leave out from the words, "That the," to the end of the Question, in order to add the words, "other Orders of the Day be now read," instead thereof.

Mr. ADDERLEY moved the postponement of the debate to that day fortnight.

Mr. SPEAKER informed the hon. Gentleman that it was out of order to move an Amendment upon an Amendment.

Mr. GLADSTONE said, he did not intend to reply to the speech of the right hon. Gentleman the Secretary for the Colonies, for the reasons he had already given, namely, that it would be better to make his reply when he was prepared to declare the course he intended to take with regard to this Bill. However, he was called upon to perform a very painful duty, namely, to point out the very gross misrepresentations to which he had been subjected by the right hon. Gentleman—whom, however, he discharged of any wilful intention in the matter. He had, however, been subjected to the grossest misrepresentations, and of this he complained. He was in the recollection of the House so freshly, that he need not repeat what he had already said—the House would perfectly comprehend the point to which he referred. His right hon. Friend dwelt much on what he said would be the effect of this measure on the supremacy of the Crown; and he said that he was slow to believe that he (Mr. Gladstone) had intended to take away or impugn that supremacy. The right hon. Gentleman read a clause in the Bill, which required all persons before they could be confirmed, ordained, consecrated, or instituted into any see or pastoral charge, previously to take the oath of allegiance; and he said that by this clause the oath of supremacy was abolished, and the conditions required by the 36th Canon were also dispensed with. He then referred to the oath of supremacy, which declares that the Pope has no jurisdiction in England, and went on to read the 36th Canon of the Church, which directed that no person should be received into the ministry, nor admitted to any ecclesiastical functions, who did not first subscribe a declaration that the Queen's Majesty under God is the only supreme governor of this realm, and of all Her Highness's dominions, as well in things spiritual as in things temporal. The right hon. Gentleman then said—and on his own showing, very justly—amid the responsive cheers of his friends, most of whom probably had never read the Bill—that this was a very grave matter for consideration. Here, says the right hon. Gentleman, is the first attempt ever made to impugn the supremacy of the Crown. He then quotes the opinions of the different prelates and clergy in the Colonies, and says that they do not desire to separate their connexion with the Church of England, and that they shrink from impugning the supremacy of the Crown. The right hon. Gentleman charged him with impugning the one, and taking away the security of the other. That was the charge which he stood up to stigmatise as the grossest misrepresentation of his measure and his argument. The right hon. Gentleman quoted the 7th Clause; but he stopped in the middle of a sentence—he never told the House what was the remainder of the sentence. The clause was not that it should be unlawful to ordain except such person shall have taken the oath of allegiance; but upon such person having taken the oath of allegiance, and having likewise subscribed to the Thirty-nine Articles, and having furthermore declared his unfeigned assent and consent to the Book of Common Prayer. Did not, then, these Thirty-nine Articles include the oath of supremacy as well as the 36th Canon? Yet the right hon. Gentleman founded the greater part of his speech against the Bill upon their supposed omission. What said the thirty-seventh of the Thirty-nine Articles? Had it escaped the right hon. Gentleman's attention? "The Queen's Majesty hath the chief power in this realm of England, and other Her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain, and is not nor ought to be subject to any foreign jurisdiction;" and, further, "the Bishop of Rome hath no jurisdiction in this realm of England." The conditions of the 37th Article were quite equivalent to the declaration that the Pope of Rome had no jurisdiction in this realm, contained in the oath of supremacy. The 37th Article was quite as wide as the 36th Canon. He was very sorry to point out this misrepresentation, which undoubtedly was innocent; but it was remarkable that his right hon. Friend should have kept back the fact, that not only was the oath of allegiance required, but also subscription to the Thirty-nine Articles, and unfeigned assent and consent to the Book of Common Prayer. His right hon. Friend would, however, see, by a reference to the clause, that it would be unlawful under this Bill to ordain or institute any person without subscription to the Thirty-nine Articles, and that in one of their number was contained, on the subject of the supremacy of the Crown, all that was contained in the oath of supremacy, and all that was contained in the 36th Canon. There was one other point which called for notice, because it was connected with the same subject. It was perfectly true that by this Bill it would be open for parties in the Colonies to make regulations for self-government, without those regulations being subject to the veto of the Crown, unless, indeed, they touched upon the prerogative of the Crown on the subject of the appointment of bishops. His reason for not including in this Bill a veto for the Crown—to which he had no objection—was, that if the regulations and the laws of England were thus placed in immediate connexion with the Crown, and the authority of the Crown attached to them, it would be impossible to convince the colonists that religious equality was the object of the Bill. It was a matter for the House to consider whether a veto should be inserted in the Bill or not. If it were thought that the veto should be maintained, he had no objection. In the mean time he hoped that he had shown to his right hon. Friend that by the subscription required to the Thirty-nine Articles, the supremacy of the Crown was declared; because the oath of supremacy and the 36th Canon are contained in the Thirty-nine Articles. He did not know whether he agreed with him or not; but when an oath was entirely unnecessary, being already contained in another, he thought it was a great public advantage to get rid of it. However, if the House thought fit to require the oath, he had no objection to make, but on the contrary would be happy to agree to it.

SIR JOHN PAKINGTON said, that after the serious charge which had been brought against him, he had no doubt the House would bear with him for a moment. He certainly regretted, that after the construction put upon what he had said by the right hon. Member for the University of Oxford he had not read the remainder of the second clause to the House; but he submitted to the House with perfect confidence that the explanation of the right hon. Gentleman did not impugn his argument. He had said that the clause dispensed with the oath of supremacy, and that it also dispensed with the 36th Canon, and that it was the first attempt which was ever known to ordain persons to ecclesiastical office being British subjects without the oath of supremacy being required. It was no answer to tell him that among the Thirty-nine Articles there was one which embraced the oath of supremacy. Looking at that omission conjointly with the powers bestowed upon the bishops in the first Clause, he said that he was advised and believed that the effect of the Bill would be to do away with the supremacy of the Crown.

MR. OSWALD had not had any intention of addressing the House, though his name was on the back of the Bill; but the Secretary for the Colonies had come down to the House as a Minister of the Crown to speak on a subject touching the vital interests of the colonial Churches, and yet that right hon. Gentleman was so ignorant of the Book of Common Prayer, so ignorant of the subject on which he had addressed the House, that he did not know that in the service for "the ordination of Deacons" the oath of supremacy occurred as follows:—

> "I, A. B., do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, within this realm. So help me, God!"

The right hon. Secretary for the Colonies must have forgotten that oath when he made his speech. He (Mr. Oswald) was totally at a loss, from the right hon. Gentleman's concluding sentence, to discover whether he objected to the principle of the Bill or wished for delay. But it was to be supposed that the right hon. Gentleman was like the rest of the Members of the Government. They did not know their own minds on any one subject touching the policy of the country, whether ecclesiastical or civil.

MR. ADDERLEY did not suppose this question was anything other than an open one with the Government; if it was not, he regretted being compelled to place himself in opposition to their views. But, being alive to the urgency of the subject, and being aware of the views entertained by the colonists, he could not submit to deal with a measure of such importance upon grounds so wholly futile as those advanced by his right hon. Friend the Secretary for the Colonies. Every argument he adduced went on simple assumption. The right hon. Gentleman argued, not against the Bill, but against the principle of intolerance; but in such an argument he was begging the question, for it might be asked, was the Bill based on the principle of intolerance? Again, the right hon. Gentleman said the colonists did not wish the separation of their Churches from the Mother Church. But the question was, would this Bill separate them? He maintained that it would not—in fact, that it would most powerfully have a contrary effect. Thirdly, the right hon. Gentleman alleged that the Bill did away with the supremacy of the Crown; and on that point, also, the question arose whether the Bill did so. It clearly provided for a subscription of the Articles which maintained the supremacy. If he (Mr. Adderley) were able to grant the right hon. Gentleman's assumptions, he should go along with him in objecting to the Bill on the three grounds indicated; but when it appeared that the Bill did not proceed on principles of intolerance, nor separate the Colonial Churches from the Mother Church, nor interfere with the supremacy of the Crown, but went far to obviate a tendency which did exist in the present state of things towards these three things, he felt that the measure called for consideration. The Secretary for the Colonies acknowledged the importance of the measure. Nobody differed upon that point. The Colonial Church was in an anomalous position: it was a corporation unable to settle its own affairs, unable to regulate its own discipline, or even to adapt its ceremonies to the habits of the people by which it was surrounded. The eminent Colonial Bishop now in England complained that he could not adapt the Church services to native recent converts. That was allowed to be a position in which the Colonial Church ought not to be allowed to remain. And what was the consequence? They had not a tolerant Church, for they handed over the discipline of the Church to the *ipse dixit* of a bishop. To urge that there was no immediate need of legislation, was simply to say that the Colonial Church did not require what the Mother Church did. Did they not require continual legislation in Church matters in this country? What were the Clergy Discipline Acts, and many others—all found to be essential here? Were no such provisions needed there? The House ought to bear in mind that there were two alternatives: either to pass this measure, or to leave themselves to the chance of some similar measure at some future time; for the right hon. Gentleman held out to them some distant hope that there was a possibility of such an event, to be founded on a correspondence which was now going on with the Archbishop of Canterbury and the Metropolitan at Sydney. He did not pretend to be in a position to offer any very weighty arguments in reply to the right hon. Gentleman. He had not even the advantage of his attention. But at the same time, as he was rather *exigeant* of attention himself, he claimed his notice when he asked him whether the proposition which he asked the House to entertain in lieu of the present plan, did not involve the proposition of the right hon. Gentleman's Bill, which he opposed? The right hon. Gentleman thought that the bishops could meet and call the clergy and laity together, and make some arrangement which would be satisfactory. If he thought that possible, he begged leave to tell him that he destroyed nine-tenths of his own argument against the Bill, for the Bill proposed precisely the same process. They were, therefore, to choose between this measure, or the same measure after an interminable delay which threatened them. What were the objections of the right hon. Gentleman to the detail of the present measure? First, as to the preamble, by which it is declared that doubts connected with the right of the Colonial Churches to meet in order to arrange their affairs, were to be removed. These doubts, it should be remembered, commenced with the statute of Henry VIII., which rendered it impossible for the Church to meet together without the licence of the Crown, under heavy penalties. There were other obstructive Acts in the following reigns. The right hon. Gentleman insinuated that it would be better to repeal those Acts at once, than to meet the difficulty by a measure like this; but that would be to do the very thing which the right hon. Gentleman so strongly deprecated, namely, to create fresh uncertainty in the attempt to remove existing doubts; for who could give security that in repealing any number of Acts, the whole that bore upon the subject would be included? The positive mode of legislation proposed by the right hon. Member for the University of Oxford would be more satisfactory than the negative mode of the right hon. Secretary for the Colonies. Next, it was objected, that the persons to be affected by this legislation were vaguely described as "declared members of the Church of England?" But the right hon. Colonial Secretary's proposition to wait for the Metropolitan of Sydney's consultation with his diocese, was open to the same objection. How would he consult? How was the Bishop of Sydney to call his clergy together? What portion of the laity was he to call together for the purpose of discussing the subject? With respect to the objection that each colony would form itself into a separate Church, having separate canons and regulations from the Church of England, and that settlements under the same metropolitan would also form themselves into separate Churches, the right hon. Baronet had overlooked several provisions in the 6th and 7th Clauses of the Bill, which rendered that fear nugatory. The substitution of the Thirty-nine Articles for the oath of supremacy was a point of minor importance. There was not one Member of the House who differed from the right hon. Baronet in his declarations in favour of maintaining the supremacy of the Crown. However, his right hon. Friend was willing to insert the oath as well as the subscription in the Bill, should the House desire it. It was, no doubt, the province of a Minister to be zealous in maintaining the prerogatives of the Crown; but let them not so maintain the prerogative of the Crown as to make the very head of the Church an obstruction to the Church's life and action—as to make it maintain its headship merely for the purpose of destroying the action of the Church. When the right hon. Baronet spoke of wishing to hand down to future generations, as an heirloom, the Church of the Reformation, he might be asked whether the most vital branch of the Church of England was not the Church in America? Was the Church in America, or that in the Colonies, a fairer representation of the Church of the Reformation? Why, it was upon the model of that American Church that this Bill was drawn, and it would be difficult to show that a better adaptation of the Church's organisation to its necessarily free position in colonial localities could be arrived at. A total separation of the Church from the State in the Colonies would be preferable to a pseudo connexion, which paralysed the Church, and which had no analogy to the connexion of the Church of England with the State. The right hon. Baronet would do well to bear in mind the model of the American Church when he came to deal with the subject; he could not place the Church in the Colonies on the same footing in relation to the State as that of the Church of England. The right hon. Member for the University of Oxford, as a prominent Member of the House, as one who had attended to the interests of the colonies, and to whom especially the colonists looked up, must bear in mind the responsibility which attached to him if he assented to delay on the hopes held out by the vague proposition of the Secretary for the Colonies, the only result of which would be, after all, the very measure proposed in the Bill, only indefinitely postponed at a time when Australia was in a dangerous state of social revolution, and when Canada and Cape Town were pressing for a similar measure; to whom it would be a poor answer to say we were waiting for the Bishop of Sydney's opinion. That very day a petition from one of our North American colonies, with 200,000 signatures, had been presented, praying for exactly the very measure proposed. At the present moment the Bishop of Cape Town also was in this country urging and pressing some such measure as this. And if some such measure as this was not passed, he declares that he will be obliged to act as the Bill proposes, without authority, at the risk of coming within the penalty of the law. It was impossible for them to go on patching up the present anomalous state of the law.

SIR ROBERT H. INGLIS reprehended the expression which had fallen from the hon. Member for Ayrshire (Mr. Oswald), that the indecision of Her Majesty's Government upon this subject was only like that which characterised all their proceedings upon every political, ecclesiastical, or civil question. The observation was utterly irrespective of the point at issue, and was one of a wholly party character. The question was not a party one on either side of the House; and he hoped to guard himself from saying anything which would make it such. The hon. Gentleman who spoke last said that the arguments of the Secretary for the Colonies were futile; but the hon. Gentleman had not proved that assertion: he had simply hazarded it as his own opinion. The hon. Gentleman referred to appeals made for such a measure as the present from Canada and Cape Town, and seemed to signify that it would be dangerous to deny their demands. In consequence of a Motion he (Sir R. H. Inglis) made some two months ago, Her Majesty's Government had last night laid upon the table of the House a collection of papers connected with Colonial Church legislation, and—although he had had no opportunity of examining them except by a glance—his impression was that there was not, among those papers, a single application for a measure like that which his right hon. Friend and Colleague (Mr. Gladstone) had introduced. The great argument for this Bill, when it was brought forward three weeks ago, was that it would place the Church of England in at least as good a position as the other religious bodies in the Colonies: it was said that all those other bodies had advantages which were denied to the Church of England. That argument had been repeated by the hon. Member for North Staffordshire (Mr. Adderley); but he (Sir R. H. Inglis) denied that fundamental principle on which his right hon. Friend and Colleague had based his proposition. The Church of Rome, for instance, did not admit any local jurisdiction whatever of an independent character with respect to any matter at issue between the bishop and clergy, or laity, in any colony in the world: from the remotest parts of the earth appeals were made to the Pope of Rome. The unity of that Church was not hazarded by conflicting judgments in various parts of the globe. The judgment delivered at New Zealand was not left to be confronted by a second judgment at Australia, and a third judgment at the Cape of Good Hope. Unity of action in the Church of Rome was sustained by one tribunal, to whom all appeals were carried, and by whom all questions were decided. But it might be said the Church of Rome was infallible, and, therefore, that peculiarity constituted the essence of their privilege, and did not apply to any other Church in the world. Without entering into that question, it was sufficient for him to assert that, the same principle of unity of action prevailed in very different bodies. The Church of Scotland had churches in different parts of the world. In India the presbyteries elected representatives to the General Assembly; and the General Assembly had the decision of every matter in dispute between the members of that Church, one with the other. It was not only so with the Church of Rome or the Church of Scotland, it was the same with the Wesleyan body. The Wesleyans had congregations in almost every part of Christendom —in almost every part of the world; and wherever they were established, whether in Australia, in New Zealand, or in the Pacific, if disputes arose, those disputes were brought by appeal to the central authority at home. With such precedents in existence, without referring to the Church of Rome, he saw no reason why, for the sake of putting the Church of England in the Colonies on the footing of other Churches there, as was alleged, they should subvert that which had hitherto been regarded as a fundamental principle—that the ultimate and extreme appeal should be left to the Mother Church at home. His hon. Friend said one object was, that the Church of the Colonies might adapt its liturgy to its peculiar circumstances. If a discretion were granted to alter the liturgy of the Church of England, they would have a synod omitting one portion in one colony, and another in another; and they would destroy entirely that great unity of worship by which the Church of England recommended itself. The Bishops of Australia, in synod, even if they had not altered a portion of the liturgy, had, reverting to an older practice in England, subdivided into three portions the present one—the service of the Church of England. He (Sir R. H. Inglis) did not object to it; he only stated the fact. But, whether right or wrong, if a synod without the consent of the Crown could make that alteration in one diocese, it could make another and greater alteration in another diocese; and, therefore, what the Secretary of State for the Colonies had stated with so much force was irrefragable, that, without giving an opinion on those alterations, they would constitute so many distinct Churches, and dioceses, and synods, under the proposed Bill; and there would be no security whatever that any one colony would retain the liturgy, the rubric, or the articles of the Church of England unaltered when once they had the power of making such alterations. He confessed that he felt a difficulty in understanding what was meant by "declared members of the Church of England." His view of a member of the Church of England was a person in full communion with that Church, not in occasional conformity, declaring himself one day a member of the Church of England, and another day a Wesleyan, or a member of any body of Dissenters. No Church could be safe if its internal legislation were not confided to those, not "declared members," but members in full communion. What security, under the Bill, had they that the Scotch Episcopalians, for instance, would not attempt to introduce that alteration in the Church communion service which at present constituted the great difference between them and the Church of England? He gave no opinion upon the expediency of the measure, he merely called attention to the fact that this was a provision by which men, not members in communion with the Church of England, might overpower, by a majority, those who were in communion with her, and make alterations which practically and essentially would render the liturgy different from the established liturgy of the Church of England. The Secretary of State had said that this Bill might have three possible consequences; and one was to make the Church of England dominant in such colonies in which Church legislation might take effect. He was one of those who, having always held that the Government of England ought to send forth with every colony a Church establishment, would not regret if such a result followed from the proposition of his right hon. Friend. But with all his (Sir R. H. Inglis's) wishes to see the Church of England placed in that position which, as the Church of the Imperial Crown, he thought she was entitled to hold, he did not think such a result would flow from the Bill of his right hon. Friend. By this Bill declared members of the Church might make regulations of all kinds, and alterations in the liturgy and services, without, as he understood the case, being bound to submit such alterations to the see of Canterbury; at all events, it practically gave a great increase of power to the local authorities, and thus would, therefore, deprive their brethren in a colonial dependency of that personal security for their rights and privileges to which an appeal to the authorities at home at present entitled parties. He was not prepared to give to local authorities the power which it was proposed to give. His right hon. Friend said bishops in the colonies had too much power. He (Sir R. H. Inglis) would not enter on that subject; but he was sure the instances of Mr. Wigmore and of Mr. Bateman were not sufficient to prove the power of the bishops in the Colonies excessive. The Secretary of State admitted that there was a necessity for legislation. Upon that question he would not enter: it was sufficient for him to object to the present measure. Again, it had been suggested that a Royal Commission should issue to inquire into the facts of the case. He (Sir R. H. Inglis) firmly believed that no such statement of facts as was anticipated by the friends of the proposed Bill would be furnished by any such commission. But, without referring to the possible results of any new inquiry, it was, at all events, necessary to wait for the negotiations between the Metropolitan of all England and the Metropolitan of Sydney. If their minds could be collected from memorials, his right hon. Friend might or might not have sufficient grounds to proceed upon without further inquiry; but, not having actual materials for a decision before the House, he agreed with the Secretary for the Colonies that it would be better to proceed to the other Orders of the Day. He looked upon the measure as the first of a series of measures tending to separate the Colonies from the mother country, and the Church of the Colonies from the Church of the Parent State, and leading far towards the conclusion that the functions of the Church and State in the mother country ought also to be severed. That he considered was the scope of this measure. It was one to which no man could look with confident hope—one which he regarded with the greatest aversion and distrust—and one which he trusted the House would be very indisposed to sanction.

Mr. BERESFORD HOPE: I confess, at first sight, I feel some embarrassment how I shall proceed to support the Bill of my right hon. Friend the Member for the University of Oxford (Mr. Gladstone), when, on the one hand, I see the right hon. the Secretary of State for the Colonies (Sir J. Pakington) impugning it, because it is an arrogant and tyrannical measure, intended to place the Church of England in a position of supremacy, tyranny, and domination, utterly intolerable to the Colonies; and, on the other side, I see the hon. Member for the University of Oxford (Sir R. H. Inglis) lamenting that it does not put the Church of England in that position of dominancy and supremacy in the Colonies which she is so naturally and so justly entitled to occupy. At first sight there seems to be some difficulty; but on looking at the matter a second time, and a little deeper, I think this the very best and surest proof of the excellence, temper, and moderation of the Bill—that two hon. Gentlemen, both very sincerely, no doubt, and very ably—should be impugning it, each upon his own principles, which are of a very different and totally dissonant character. The fact is, the Bill does not do either the one thing or the other. If the Bill were intended to place the Church of England in the Colonies either in a position of supremacy or degradation, we should be doing that which we have no right to do, and that which the Colonies would tell us, very quickly and very unmistakeably, we have neither the right nor the power to do. The Bill does not do either one thing or the other. It simply clears the field for a settlement of differences between the Church in the Colonies and the Colonial Legislatures; so that the efficiency of the Church and the sovereign rights of the Legislatures may equally be preserved and maintained, and a proper balance struck between the two. But the right hon. Gentleman the Secretary of State for the Colonies has, with great pains and at considerable length, impugned the measure on account of its vagueness, in language the vagueness of which seemed inspired by the discussion. This vagueness is, I contend, the very merit of the Bill. How can we now, at this distance of space from the Colonies—how can we dare to make the first step other than a vague one—how can we dare to bring in a measure of legislation which shall be final, supreme, and complete, regulating their ecclesiastical *status* for all time to come, subject to no permutation or interference at home or abroad? Such may be the intention, such may be the animus, of the scheme brought before us by the right hon. the Secretary of State for the Colonies—a Church Discipline Bill, which shall stereotype for distant dependencies of the Crown, where the Church is not even established, a system of Church government, which the Established Church of England herself, no later than the present Session of Parliament, in the person of the Prelate of the city in which we are now assembled, has been compelled to withdraw. With this example before us—with this monition to teach us—what hon. or even most rev. Gentleman can conceive the possibility, by a little correspondence, one letter on each side, every six months—with a Prelate across the ocean not understanding, and not being understood—after a few blue books, and a few reports of the Parliament of Great Britain and Ireland—of enacting a Clergy Discipline Act for the Colonies, without the presence of a single representative of those Colonies, whether Churchmen or Dissenter? Now, this is the panacea brought before us from the Treasury bench; and I confess it strikes me—with the specimen of a succedaneum—I ought at least to plead before this House to give a second reading to the Bill of my right hon. Friend the Member for the University of Oxford. But, as I have already said, this Bill is not open to any of those imputations. This Bill is not a Bill of constitution; it is merely a Bill of exemption from certain liabilities, presumed or existing, in the Colonies, which stand in the way of the Colonies, forecasting their own constitution, and coming before the Legislature at home with a scheme which must come before the Church at home, before even, in its most rudimental form, it can assume the shape of a Church constitution. I must give my hon. Friend (Sir R. H. Inglis) credit for his excessive ingenuity; for the first argument he has brought forward to induce the House not to give this Bill a second reading is, that while introduced for the purpose of giving religious equality, it allows us to do what the Church of Rome cannot do. But this is not the point. We claim an equal right with the Church of Rome to be allowed to carry out our own constitution, doctrine, and discipline without interference from the civil power. The constitution of the Church of Rome, it is true, ignores such assemblies as those which the present Bill recognises. But were she to revolutionise herself, and to admit such assemblies, there would be no obstacle from the State to her adopting them. And this is what we desire for our own Church. The Church of Rome has full swing in the Colonies to follow out its own dictates; and the same power to follow out its own nature and its own character we now claim for the Church of England. My hon. Friend has raised a point upon the meaning of the words "declared members of the Church;" and I cannot help agreeing with him that the word "declared" is very vague, and very unsatisfactory; but it has a legal value and significance in those Australian Colonies, which are the main and principal subject of the Bill before us; and I am sure my right hon. Friend (Mr. Gladstone) was not wrong in stating a phrase which he found in existence in those Colonies about which he was mainly legislating. As to the observation of the hon. Gentleman (Sir R. H. Inglis) upon the signification of the words "in full communion," I regard full communion as the power of worshipping and being received in communion in the churches of the Church of England here or abroad; not as implying a perfect and full identity in every detail of ritual and service—such makes identity—but full communion does not necessitate such identity. Another point which he has raised, which I cannot pass by without notice, is, that this Bill would afford opportunities for revolutionists to make changes in the Liturgy and discipline of the Church. Has he looked at this 7th Clause, upon which so much discussion has been raised during this debate?—

> "And no such regulation shall authorise the bishop of any diocese to confirm or consecrate, or to ordain, or to license or institute any person to any see, or to any pastoral charge or other episcopal or clerical office, except upon such person's having immediately before taken the oath of allegiance to Her Majesty, and having likewise subscribed the Thirty-nine Articles, and having furthermore declared his unfeigned assent and consent to the Book of Common Prayer."

These are the terms upon which alone a bishop can license or institute—obtaining the full assent and consent to the Book of Common Prayer from the person so licensed or instituted. Now, interpreting that with the 6th Clause, touching the relations with the see of Canterbury, does it not stand as clearly to reason as any thing can do, that any alteration in the Liturgy or usages of the Church, inconsistent with the Book of Common Prayer, being inconsistent with the relations of the see of Canterbury, on which alone these Colonial bishops license or institute, comes under the operation of the 6th Clause, and is especially one of those cases reserved for the consent of the Archbishop of Canterbury before it can become Church law, or be acted upon? All these are mere details. The broad question before us is this: Here, in these wide colonies of our empire, is our beloved Church, striking her roots, spreading her branches, extending her plantations in all directions—in North America, in Australia, and everywhere. But with these material advantages is a fatal deficiency of order, and organisation, and *status*, which meets her at every turn, and thwarts every effort to propagate herself; and all she claims is liberty, not supremacy, not domination, but simply liberty; and all my right hon. Friend seeks by the Bill is no more than liberty for the Church of England to organise herself in each colony as, knowing her condition, she herself best can do. This claim of the Church in the Colonies for civil liberty is met by special pleadings about the oaths of supremacy—oaths embodied in the Thirty-nine Articles, which every one must subscribe to who subscribes to those Articles—by offers of a Church Discipline Bill, a Bill which the Church of England, in her actual condition, cannot, and will not, accept—by talking of correspondence with the Colonies; and meanwhile disorganisation and disaffection are to be allowed to make head. These are the arguments urged for deferring the whole question, until some time when the Parliament of Great Britain can model a Clergy Discipline Bill, which must be accepted permanently by the Legislature and by Colonial Churchmen and Colonial Dissenters, none of whom can have the least knowledge of, or the smallest share in its compilation. I trust the House will not thus postpone an important means of augmenting the efficiency of our Church in the Colonies, but agree to the second reading of the Bill introduced by my right hon. Friend.

The ATTORNEY GENERAL agreed with his right hon. Friend (Mr. Gladstone) that the Established Church in the Australian Colonies was in a most disadvantageous position, and that the colonists were deprived of those privileges and of that freedom of action which were possessed by other colonies and by the Mother Church in this country. This arose from the circumstance of those colonies not enjoying the benefit of the ecclesiastical law which existed in this country, and more especially of the right of jurisdiction in spiritual courts. The House was probably aware that an attempt had been made to obviate this inconvenience by introducing into the patents of the bishops of Australia a power to exercise spiritual jurisdiction, and to establish for that purpose ecclesiastical courts, with an appeal to the Archbishop of Canterbury. But the attention of the Government having, in 1847, been turned to that subject, the law officers of the Crown were of opinion that the power so conferred by the patent was unlawful, and that the Crown had no power to establish by patent ecclesiastical courts in the Colonies. The consequence, of course, was, that no efficient ecclesiastical jurisdiction could possibly be exercised; because, without the power which was conferred upon the ecclesiastical courts to summon persons before them and to administer oaths, it was impossible that justice could be administered. An illustration of this difficulty had been stated in the cases of Mr. Bateman and Mr. Wigmore, which had been alluded to by his right hon. Friend. The licenses of both those persons were withdrawn by the bishop—with respect to one, on account of some misconduct which was alleged against him; and with respect to the other, on account of his insolvency. But the stipends possessed by those persons were given to them by Government; and they being chaplains, and not holding rectories or curacies, the bishop could exercise over them no power at all. All the effect of withdrawing their licences was to produce an ecclesiastical disability, but it accomplished no secular deprivation. Mr. Wigmore came to England to appeal to the Archbishop of Canterbury, but it was found that no appeal would lie; so that, in fact, the bishops in those colonies had an irresponsible and arbitrary power, against which there was no appeal to any superior tribunal. He would now call attention to a clause in the Bill which seemed to say a great deal, but which really, under existing circumstances, could have no operation at all. By Clause 6, the right hon. Gentleman proposed to provide that "any regulation touching the existing relation of the bishops, clergy, and others, to the metropolitan see of Canterbury, should be forthwith transmitted by the presiding bishop or his deputy to the archbishop of the said see, and should be subject to disallowance by the said archbishop." Now, what were the existing relations between the bishops and clergy of the colonies and the metropolitan see? They were absolutely nothing at all. There being no power of appeal, there was necessarily no power of correction by the archbishop; no relation therefore could exist to which this clause could possibly apply. There was another point to which he wished to direct the attention of the House. It was supposed that the bishops and clergy in the Colonies were prevented from meeting together and making regulations for their own internal discipline by reason of the operation of the 25th of Henry VIII. He wished particularly to call the attention of his hon. and learned Friends in the House to the provisions of that Act, for it appeared to him that it did not apply to the Colonies at all; and that if that Act were out of the question there was nothing whatever to interfere with the rights of the bishops and clergy in the Colonies to assemble and make those regulations which were intended to be provided for by the present Bill. The Act of the 25th of Henry VIII., called the Submission of the Clergy and Restraint of Appeals Act, provided that—

> "By authority of this present Parliament, according to the said submission and petition of the said clergy, that they, nor any of them, from henceforth shall presume to attempt, allege, claim, or put in use any constitutions or ordinances, provincial or synodal, or any other canons; nor shall enact, promulge, or execute any such canons, constitutions, or ordinances provincial, by whatsoever name or names they may be called, in their convocations in time coming (which alway shall be assembled by authority of

the King's writ), unless the same clergy may have the King's most Royal assent and license to make, promulge, and execute such canons, constitutions, and ordinances provincial or synodal, upon pain of every one of the said clergy doing contrary to this Act, and, being thereof convict, to suffer imprisonment, and to make fine at the King's will."

Now, as he read that Act, it could only apply to this country, and could not apply to the Colonies at all, because it referred to those canons and ordinances which were made in convocation, and which convocation was to be assembled by the King's writ. Now, that state of things did not exist in the Colonies; therefore, although all the laws of this country, capable of application, were applicable to the Colonies, and would be good in those Colonies, yet there was nothing whatever to make this provision apply to the Colonies, or, so far as the Act of Henry VIII. was concerned, render it necessary that there should be a legislative power given to the colonial clergy and laity to assemble together for the purpose of making rules and regulations for the internal discipline of their Church. There was no necessity for supposing, in the first place, that the object of the Bill was other than was stated by his right hon. Friend (Mr. Gladstone), namely, to permit the clergy and laity of the colonies to assemble together, voluntarily, not by compulsion, and make regulations for their internal government; and if he (the Attorney General) were right, there was no prohibitory Act of Parliament—nothing, as far as he could discover, in the existing law—to prevent their assembling of their own will and pleasure, supposing they should consider it important to do so, to make those regulations. If that were so, there must be something more which his right hon. Friend proposed to obtain by this Bill. He could not understand that his right hon. Friend really asked to give the colonists power to do that which they had the power to do already. His right hon. Friend must propose by the Bill to give the sanction of the law to something not already sanctioned by the law, and to have provisions introduced by the Legislature which would have a much more powerful effect than that which had been suggested. His right hon. Friend the Secretary of State for the Colonies had gone very carefully through the provisions of the Bill, and had pointed out in clear and distinct terms what would be the effect of it, and had ventured to suggest to the House that it would be quite impossible to carry out these provisions, unless that end were accomplished, which would be, not to say the intended but the necessary effect of these provisions, namely, the separation of the Church from the State, and the constituting in the Colonies a free and independent Church Establishment. That being so, his right hon. Friend (Sir J. Pakington) had necessarily had his attention very anxiously called to the clauses of this Bill, and the terms in which they were couched; and he was struck, as everybody must be struck who paid attention to the provisions of the Bill, with the terms of the seventh clause, which provided that the persons who were to be ordained, or licensed, or instituted to any see or to any pastoral charge, or other episcopal or clerical office, should take the oath of allegiance, and subscribe the Thirty-nine Articles; and, furthermore, declare their assent and consent to the Book of Common Prayer. His right hon. Friend (Mr. Gladstone) had stated that the Secretary for the Colonies was under a gross but unintentional misapprehension with regard to the effect of this clause; but he (the Attorney General) thought he could satisfactorily show that his right hon. Friend (Sir John Pakington) had put a perfectly correct construction upon the proviso, notwithstanding the observations of his hon. Friend the Member for Ayrshire (Mr. Oswald). It naturally occurred to Her Majesty's Government that if the right hon. Gentleman (Mr. Gladstone) meant that the oath of supremacy or something equivalent should be taken, he would have expressly declared that intention upon the face of the Bill. If the right hon. Gentleman meant it, why not express it? We ought not to leave the matter in a state of doubt and ambiguity, especially in a Bill of this kind, which certainly did give rise to very considerable apprehensions. The hon. Member for Ayrshire had said that the Secretary for the Colonies had shown an utter ignorance upon the subject, because, if that right hon. Gentleman would only turn to his Prayer-book, he would see in the Service for the Ordination of Deacons that the oath of supremacy was a part of that service; but the hon. Gentleman had forgotten to observe that this clause did not refer merely to persons who were to be ordained priests or deacons, but to other persons—persons ordained "to any pastoral charge, or other episcopal or clerical office." Now, he could very well understand that persons who had been ordained, or who had taken the oath of supremacy, as priests or deacons, might afterwards, when required, under circumstances that might exist in England, to take that oath again, not be disposed to do so. It would be found that, by this clause, those persons who were to be instituted to any see, or any pastoral charge, or other episcopal or clerical office, were not required to take the oath again; so that a person consecrated to be a bishop under the powers given by this Act (apart from the power of the Crown) could not be required to take the oath of supremacy. But there was another ground on which he rested his opposition to this measure. When a person was ordained a deacon or a priest in this country, he was not only required to subscribe the Thirty-nine Articles, but he was also required to subscribe to three other Articles of very great importance contained in the Thirty-sixth Canon. The Thirty-sixth Canon directed—

> "That no person shall be received into the ministry, nor admitted to any ecclesiastical function, except he shall first subscribe a declaration, &c., 'that the King's Majesty under God is the only supreme governor of this realm, and of all other His Highness's dominions and countries, as well in spiritual or ecclesiastical things or causes as temporal.'"

Now, his hon. Friend (Mr. Oswald) would observe the important, strong, and cogent language contained in that article; very different indeed from the negative words contained in the oath of supremacy, and very different indeed from the terms of the Thirty-nine Articles, which the person was required by the Bill to subscribe. He confessed it would be much safer and better that the oath should be taken which had received a judicial interpretation, and that it would be more binding on every one's conscience than if it were merely required that the party should subscribe the Thirty-nine Articles, which they knew by experience might be interpreted in a manner to take away their whole force, and in a non-natural sense. [Mr. Gladstone made an observation, which was inaudible.] He (the Attorney General) was very much astonished at what his right hon. Friend had stated, intending, as he said he did, that the oath of supremacy should have a binding force. [Mr. Gladstone: No!] Then his right hon. Friend did not mean that it should have a binding force? Now, he (the Attorney General) did mean that it should. This certainly created in his mind considerable apprehension with regard to the object of this Bill. His right hon. Friend said that he meant that the parties should acknowledge the doctrine of supremacy by subscription to the Thirty-nine Articles; but he had not adverted to those other articles to which subscription was required from the clergy of the Church of England, and which were infinitely more stringent. He thought it most desirable in cases of this kind, if an oath were required to give sanction and force to the doctrine of Supremacy, that it should be administered to the clergy in the Colonies as well as to those in England. He had been anxious to make these few observations; but he thought that his right hon. Friend the Secretary of State for the Colonies had put the matter so strongly and clearly before the House that if he (the Attorney General) were to speak at any greater length, all that he could do would be to follow in the steps of his right hon. Friend, at the risk of effacing the impression which he had made.

Mr. OSWALD begged to say, in explanation, that though he was certainly wrong in the point relating to the omission which had been adverted to, his argument, he thought, remained the same.

Mr. BETHELL was understood to say, that he entirely agreed with his hon. and learned Friend the Attorney General with respect to the construction of the statute of Henry VIII.; but he did not think that it would be competent for the clergy and laity in the Colonies to adopt anything like a synodical form of action, because he apprehended that it would be an attempt to interfere with the prerogative of the Crown. With respect to the Bill before the House, the objections to it had been stated so forcibly by the right hon. Gentleman the Secretary of State for the Colonies, that as a lawyer he need do little more than give his assent to them. The right hon. Gentleman who introduced the Bill (Mr. Gladstone) represented that he desired to relieve the Church of England—or rather, the bishops, clergy, and laity in the Colonies, being members of Churches in communion with the Church of England—from a disability affecting them, and not affecting any other religious community; and the right hon. Gentleman assumed that it was competent to any other religious community to form rules and regulations capable of being personally enforced, but that the members of the Church of England could not do so.

Now, a mistake had been here committed respecting the laws which affected dissenting communities. It should be understood by the House that it was not competent to any sect of dissenters to form any laws, rules, or regulations, capable of being enforced personally, otherwise than in the character of trustees in the execution of trusts affecting property. In the trust-deeds by which the chapels of Dissenters are held, the property is secured to those who adhere to the religious tenets and observances of the body at large; next, regulations are made respecting the minister; and then such ordinances for ecclesiastical objects are laid down as are suited to the views of the parties declaring the trust. Among the Methodists, in particular, there were certain model deeds, which were incorporated in every instrument by which a chapel was vested in trustees; and the only way of enforcing the observance of these trusts was by an appeal to one of the temporal courts. These were the only powers which dissenters of any denomination possessed; and if that were so, the right hon. Gentleman who introduced the Bill would see the truth of the remark which fell from the right hon. Baronet the Secretary for the Colonies, who observed that the fourth clause would nullify the whole of the Bill. The clause enacted—" And no such regulation shall in virtue of this Act be held to have any other legal force or effect than the regulations, laws, or usages of other Churches or religious communions in the said Colonies." If, then, the interpretation which he had given of the present state of the law respecting other religious communities were correct, this clause would make all the ordinances passed by the bishop, clergy, and laity ineffectual; because other religious communities could only deal with their members personally when they violated the trusts on which their places of worship were held; but this would not be applicable to members of the Church of England in the Colonies, on whom it was intended that the ordinances should operate personally. There was no law against members of the Church of England meeting together and declaring a trust with respect to any property given to a Colonial Church by such members; and then their rules and regulations might be carried into effect in the same way as any rules and regulations that had been made with respect to the property of Dissenters, without the necessity of an Act of Parliament. He would now take the liberty of pointing out to the House the manner in which this Bill, if it should pass into a law, would violate the supremacy of the Crown. It was apparent that the scope of the Bill was to empower the bishop, clergy, and laity, to make any regulations which they might deem necessary for the better conduct of their ecclesiastical affairs; and although the seventh clause provided that no such regulation should authorise the bishop to institute a party to any clerical office, except upon such person having immediately before taken the oath of allegiance to Her Majesty, and having likewise subscribed the Thirty-nine Articles, and having furthermore declared his unfeigned assent and consent to the Book of Common Prayer;—yet he wished to point out to the House that the power to make such regulations must carry with it the power of enforcing them; and, therefore, it would involve the erection of some tribunal and some authority to which all branches of such regulations should be referred, and by which every question of doubt would have to be decided. And he begged to ask the hon. Gentleman, who had accused the right hon. Baronet the Secretary of State, of misrepresentation, how he could say that an ecclesiastical and spiritual court, arising out of ordinances made by mutual consent, but deriving their force and binding power from an Act of the Imperial Parliament, was not an infringement of the supremacy of the Crown? He thought that the hon. Gentleman would, upon consideration, shrink from creating a tribunal from which there could be no appeal, and whose sentence must be irreversible. It would be a mere mockery to give a stipendiary curate an appeal from the bishop to Her Majesty in Council. If, therefore, this Bill would alter the constitution of the Church of England in the Colonies, he considered that the House might well hesitate before they assented to it; and with regard to the Bill placing the Church of England on the same footing as other religious bodies, he would only make this further observation, which he thought of great importance — that by force of this clause, wherever in the Colonies churches in communion with the See of Rome had absolute powers, in such Colonies the Church of England would also have an absolute authority over its members. Believing the right hon. Gentleman's intention to be what he had stated it was, he was sure he (Mr. Gladstone) would shrink from creating such a power;

and he trusted he would withdraw the Bill, in order to introduce a measure hereafter more in conformity with his real object, and more consistent with the rights and authority of the Crown.

SIR WILLIAM PAGE WOOD deprecated any further discussion after the courteous course taken by the Secretary for the Colonies, which gave to the right hon. Gentleman (Mr. Gladstone) the opportunity of considering what steps he would take on a future occasion respecting the introduction of a new measure. He thought that the right hon. Gentleman the Member for the University of Oxford would have no reason to regret this discussion, because the House had heard from the Secretary of State for the Colonies three important statements on the subject of this Bill. He said, in the first place, that he did not consider the state of the Church in the Colonies satisfactory. He said also that there were objections to the colonial clergy being placed solely under the despotic control of the bishop; and he had further stated that the members of the Church in the Colonies were impeded in the consideration of their own affairs by the difficulty they found in meeting for discussion. The right hon. Gentleman added that there was great need for the exertions of a missionary church. Now, after all this, he thought the House could hardly feel that there was no necessity for legislation. The right hon. Gentleman the Secretary of State for the Colonies himself said, that legislation would be necessary in a future Session of Parliament; and but for what had fallen from his hon. and learned Friend the Attorney General, and his hon. and learned Friend the Member for Aylesbury (Mr. Bethell), he (Sir W. P. Wood) would not have addressed any observations to the House. His hon. and learned Friend the Attorney General said that there was no need for legislation whatever, and that no embarrassment was occasioned by the Act 25 Henry VIII. His hon. and learned Friend the Member for Aylesbury said the same. [Mr. BETHELL here dissented.] He believed, however, that no lawyer would tell the House that the question was clear either in one way or the other. It was for the purpose of relieving these doubts that there was a necessity for the Bill. His hon. and learned Friend said that no convocation had been held by the Queen's writ in the Colonies, and therefore the Act 25 Henry VIII. did not apply to the Colonies. But his hon. and learned Friend the Attorney General had forgotten that the parenthesis in the Act gave it its chief force and efficiency; and if the Act applied, as it did beyond all doubt, to the new bishopric of Manchester, why should it not apply to the new bishoprics of Adelaide, Victoria, or Van Diemen's Land? At all events his hon. and learned Friend the Attorney General had not answered the doubt which had been raised on that point. But, in truth, the doubt arose on a general proposition of law, namely, how far statutes, which did not seem to apply specially to the Colonies, were to be held applicable to the Colonies or not. He thought it was quite sufficient on the present occasion to say, that his hon. and learned Friend the Attorney General had not answered that question, and that there existed considerable doubts whether the statute 25 Henry VIII. was applicable to the Colonies. But his hon. and learned Friend the Member for Aylesbury said, that it was only necessary to declare a trust for the property of the Colonial Church, and then proceed to the temporal courts to enforce it. But what was wanted in the Colonies was much more than this—regulations were wanted to temper the despotical power of the bishop over the clergy. Now, if the powers to be granted by this Bill were conferred, the Convocation, consisting not merely of the clergy, but of the laity, which he thought a very important object of the Bill, could fetter the power of the bishop. The mode in which the question would arise, would, no doubt, involve the right of dealing with property. The clergyman who was removed by the bishop without preliminary steps and inquiries, would bring his case before the courts of law; and the courts would look into the regulations of the community, and would determine whether the clerk had been improperly removed or not. The result of the inquiry, therefore, though indirectly, would depend upon the regulations made by Convocation. He was now speaking in support of the principle of the Bill, as the House was not discussing the details of the measure, with some of which he did not agree. But the right hon. Gentleman the Secretary of State, in looking through the clauses, made one rather remarkable omission, for he said that he would pass over the third clause, which he (Sir W. P. Wood) thought the most important in the Bill. It provided, "that no such regulation shall be binding on any person or persons other than the said bishop or bishops, and their clergy, with the lay persons residing within the said Colonies, and being declared members of the Church of England, or being otherwise in communion with him or them respectively." It did not affect, therefore, any persons in the Colonies but members of the Church of England, though no doubt the regulations of Convocation would affect future members of the Colonial Church; but so did the regulations of the Wesleyan Conference. Every person joining in communion with the Church would submit himself to the regulations established by the Church; but the Church would not have the power of affecting others. That appeared to him to be the whole principle of the Bill. As to the statement that it was intended to make the Church of England a dominant Church, that had been answered by the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) who seemed to regret that such was not the case; and the right hon. Gentleman who introduced the Bill expressly said, that its object was religious equality. Whether it were possible to legislate during the present Session was one question, and whether the clauses were all such as were desirable was another; but he would entreat the House not to leave the Church in the Colonies in its present anomalous position. The Church in America was neglected in the same way, and the consequence was, that during the connexion with this country the members of the Church were numerically few, and she was reduced to a mere name. But after our separation from America, the action of the Church in America was freed, and its members and those of each religious community were left unfettered to adopt what course they pleased in their own communion; and the result was, that though at the time of separation the American Church did not possess one bishop, it had now thirty-two bishops with full synodical action, assisted by the laity. There had been universal acquiescence and submission to its regulations, and none of those dissensions which the hon. Gentleman seemed to think must be the necessary consequence of Convocation. If the Church of England were left unfettered, he had that confidence in her integrity that he was certain she would exert and display that beneficent influence which she had already exhibited in America. Although he felt the impossibility of legislating on the subject during the present Session, he trusted that the time was not distant when the Church of England in the Colonies would no longer be left in the melancholy position in which it was now placed.

MR. HORSMAN said, that after the expression of the wish by the right hon. Gentleman (Mr. Gladstone) for the postponement of the discussion for a fortnight, he would not, on the present occasion, go at any length into the question before the House. He would not enter into the question of the law in the Colonies, and the condition of the Church there. The hon. and learned Gentleman who had just spoken (Sir W. P. Wood), said that he wished to leave the Church unfettered. But what did he mean by leaving it unfettered? Did he mean to remove all restrictions on the part of the State, and all advantages from connexion with it? But the Bill would not place the Church on a footing of equality with the other Churches —it went to remove it from the control of the State, and yet to leave it from State connexion advantages. The Free Church of Scotland was unfettered in the Colonies; and when the right hon. Gentleman (Mr. Gladstone) said that he desired to have perfect religious equality, he agreed with him that it was the only principle which, in justice or in sound policy, could be carried out. At the same time, as the House was told that the Secretary for the Colonies had given a pledge that he would legislate on this question next Session, on the ground that the Church in the Colonies was in a very unsatisfactory state, he must say, while agreeing in that statement, that legislating for the Church in the Colonies was a matter of extreme difficulty and delicacy, upon which he hoped the right hon. Baronet would proceed with great caution. If we had now to begin at home, it would be a question with any statesman, whether, considering the diversity of religious sects, it would be wise to establish a State Church even in England; but when the state of the colonial population was considered, that it was but a reflex of the many different religious denominations in this country, and recruited mainly from that class of which a great proportion had no sympathy with a State Church, he thought it would be a very dangerous task indeed for any Minister to do anything to increase in any manner the inequality which he (Mr. Horsman) held to exist in the Colonial Churches. The Bill now under discussion proposed to give to the Colonial Church powers which were not given to the Church at home. It gave it authority to pass ecclesiastical censures—to make regulations with respect to the nomination of bishops—to absolve the clergy from the oath of allegiance to the Archbishop of Canterbury, and to do other things which the Church at home was not permitted to do. But his objection to the Bill was, that the equality which it professed to establish was brought about by relieving the Colonial Church from all those responsibilities to the law which were imposed upon it by the State, as a condition arising out of its connexion with the State, while at the same time it left untouched the advantages of connexion with the State, the Church in the Colonies being in many respects highly favoured. The dignitaries of the Colonial Church were appointed by the Crown; they had territorial rights given to them, and their salaries were paid from public sources. The Judges and other authorities in the Colonies were ordered to assist them in carrying out their functions; and in many other respects they and their congregations were, as compared with other sects, in a favoured position. The first clause of this Bill gave them a power which was denied to the English Church at home, though he was far from saying that it was a power which they ought not to have. The same observations might be made upon the second, the fifth, sixth, and seventh clauses of the Bill. Moreover, the Secretary of State said he had been advised that the seventh clause touched on the supremacy of the Queen in the Colonies. The right hon. Gentleman (Mr. Gladstone) denied that, and said that the supremacy of the Queen was acknowledged in the Thirty-nine Articles, subscription to which was made necessary by the clause. But there was an important distinction in the wording of the Articles and of the Canons, which was so far different that in the one the Queen was declared to be supreme in all matters ecclesiastical and spiritual, and in the other in all matters ecclesiastical and civil. He did not wish to enter upon the clauses of the Bill, except so far as to say that at present he gave no opinion whatever as to this or that form of Church government in the colonies. All he said was, that what was proposed in this Bill under the title of the Church of England was very different from any form of Church government known or sanctioned in England. All he said was, that in England the Church had not Church government. The Bill did not establish equality; and if the right hon. Gentleman wished to establish it, he must do what the Free Church and the Dissenters had done, and renounce State connexion. If the Bill were passed, what a position would the House be in! They would have one system of Church authority and discipline at home, and another abroad. Whatever was done, let the object be attained directly. The Bill proposed to give the Church that perfect equality as regarded the law which voluntary bodies possessed, and did not restrain them from from any benefits. [MR. GLADSTONE: What benefits?] The right hon. Gentleman asked him what benefits they got. In two or three weeks he would have to vote 20,000*l.* for the Church in the West Indies. [MR. GLADSTONE: This Bill refers to the Australian Church.] Yes; but the Bill made it lawful for Her Majesty, by an Order in Council, to apply the Act to any other colonies besides those named in the schedule; and it was possible that the country might have a Secretary of State for the Colonies whose views were so identical with those contained in the Bill, that he would lose no time in recommending that extension. He was perfectly justified, then, in assuming that the House was legislating for other colonies besides those named in the Bill. The views of the right hon. Gentleman were well known. Few men had stated them more publicly, more frequently, or more fully. But all he (Mr. Horsman) said was, let not the Church for which we legislate in the Colonies be partly a State Church, and partly a voluntary Church, claiming the freedom of the one, enjoying the benefits of the other, yet representing itself as identical with the Church of England which is established at home.

MR. GLADSTONE said, he would not press the Bill to a division. He begged to ask the right hon. Gentleman the Secretary for the Colonies if he had any objection to lay upon the table of the House copies or extracts of the correspondence with the Bishop of Sydney?

SIR JOHN PAKINGTON said, the correspondence consisted of two letters, one to the Archbishop of Canterbury, from the Bishop of Sydney, which was not in his possession. The letter he had read was from the Archbishop of Canterbury to himself, containing the Bishop of Sydney's answer. He could not promise to lay upon the table of the House a correspondence which as it stood was a private correspondence between the Archbishop of Canterbury and the Bishop of Sydney.

Mr. GLADSTONE: Perhaps the right hon. Gentleman will inquire about it; for it is obvious that the public are entitled to have this correspondence laid before them.

Sir JOHN PAKINGTON had no objection to make such inquiry.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added:*—Main Question, as amended, put, and *agreed to.*

Ordered—"That the other Orders of the Day be now read."

COUNTY ELECTIONS POLLS BILL.

Order for Second Reading read.

Lord ROBERT GROSVENOR moved the Second Reading of this Bill, as to which he thought there was such a concurrence of opinion in its favour that no argument was needed from him him to prove its necessity.

Mr. WALPOLE feared that the passing of this Bill would be attended with the greatest possible inconvenience until an additional number of polling-places could be supplied, which could not be done without some delay, and consequently the arrangements which would become necessary would not be ready for operation by the next election. Until this were effected, he repeated that, just at the eve of a dissolution, it would not, he thought, be convenient to press such a Bill as this.

Lord ROBERT GROSVENOR said, it would be perfectly easy for the House to agree to the second reading of this Bill, which would simply involve an acknowledgment of the principle that, as soon as convenient, the time of polling in counties should be reduced from two days to one; and then all the Government would have to do would be to determine in Committee when the Bill should come into operation. He begged to move, therefore, that this Bill be now read a second time.

Mr. BECKETT DENISON, having had some experience in county elections, believed they might well be concluded in one day. There were very few instances in which the decision of the first day had been reversed by the polling on the second. County elections, too, involved a holyday for everybody; and a holyday in the manufacturing districts was a very considerable evil. It was not easy to calculate what it cost the West Riding of Yorkshire to have its election prolonged to a second day. They had only to increase the number of polling-booths, and, though the polling in one day only might have the effect of preventing electors coming from one county to another in order to vote, the question was, whether it was worth while to keep the poll open for two days, in order to allow parties to vote in two or three different places.

Mr. PACKE thought that the admission made by the hon. Member that the Bill would disfranchise some voters, was of itself a strong objection against the Bill. He had been a great deal connected with county elections, and had never known any bribery or corruption in his own county, though no doubt both had been practised in boroughs. It would be most unfair to deprive any elector of the power of voting in another county by any such limitation as that proposed. He should give the Bill his determined opposition.

Colonel SIBTHORP deemed it his duty to offer every opposition in his power to this Bill. It had been said that the second day's polling caused great dissipation and immorality in the large manufacturing towns. More shame for them if it did! Why was not better order kept? The Bill was a disgrace to a civilised community.

Mr. W. BROWN said, the second day's polling was productive of great inconvenience, without, as far as he knew, any advantage whatever.

Mr. LOCKE KING supported the Bill, believing that, practically speaking, county elections were determined in one day, and that they could be concluded in that time without any disadvantage.

Mr. BERNAL OSBORNE could not understand how any Gentleman who was desirous to put down bribery and intimidation could oppose this Bill. It appeared that a noble Lord in another place was driving from the House one of the most estimable Members representing a county in the north of Ireland; and every one who had ever contested a county knew that all the intimidation and bribery, as well as the drunken scenes, occurred on the second day of an election. The right hon. Gentleman the Secretary of State for the

Home Department did not contest the principle, and the objection made by him should be reserved for Committee; but the fact was, that they would not want more polling places.

Mr. BRAMSTON should oppose the Bill, believing it to be inconsistent with the provisions of the Reform Bill, one great object of which was, that there should be no surprise at elections.

Mr. ROBERT PALMER would be very glad to diminish both the time, expense, and trouble of county elections, and, if he were told that it could be conveniently carried out, he should vote for the second reading of this Bill. He did not attach very great importance to the objection that it would prevent persons resident in other counties from voting, and would not allow this to weigh against the great convenience that would be afforded by this measure in other respects.

Sir JOHN PAKINGTON had no very strong feeling either one way or the other with regard to the Bill. Every one was ready to acknowledge that the limitation of polls to one day in boroughs had been productive of the greatest good; but it might be a very serious question as to whether at present the necessary arrangements could be made to conclude a county election in one day; and he begged to ask the noble Lord who brought in the Bill, therefore, whether he had made any provisions to increase the number of polling places?

Lord ROBERT GROSVENOR replied, there was a provision in a recent Act of Parliament for an increase of the number of polling-booths. That would not come into operation until the next Parliament was elected, and he believed it would not be necessary in the meanwhile to make any additional provision for the purpose.

The CHANCELLOR of the EXCHEQUER said, he was favourable to the principle of this Bill, although he believed the difficulty about the increased number of polling-booths would be greater than the noble Lord supposed. He trusted that the House would not divide upon the second reading.

Bill read 2°.

MAYNOOTH COLLEGE—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question [11th May], " That a Select Committee be appointed to inquire into the system of Education carried on at the College of Maynooth :—(*Mr. Spooner*);—And which Amendment was to leave out from the word " That," to the end of the Question, in order to add the words " this House will resolve itself into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes"—(*Mr. Chisholm Anstey*)—instead thereof.

Question again proposed, " That the words proposed to be left out stand part of the Question."

Debate *resumed*.

Mr. CARDWELL: I understand it is now proposed to postpone the adjourned debate respecting the Maynooth inquiry to the 16th of June. That is a day on which many of us hope the House will be no longer sitting, and when, at all events, it will not be possible to commence a long inquiry in a Committee upstairs. The House has, therefore, a right to know from the hon. Gentleman who put the notice on the paper for the 16th of June what is his real intention. I was one of those who intended, if the adjourned debate had been resumed to-day, to offer some observations for the purpose of showing why I voted in favour of an inquiry. I should do so in the hope that it might be conducted in a fair and dispassionate spirit, and that it would lead to a result consistent with justice, believing that in that event it would do much to promote the public good; but now this is the state of affairs, that whereas this notice was first put on the paper on the 10th of February, exactly one week after the House assembled, it is now proposed to postpone it to a period at which it may not possibly come on before the House is adjourned. Every Member of Parliament, whether he be of the Catholic persuasion or of the Protestant—whether he be an opponent of the grant or a supporter of it—must see that while a fair and dispassionate inquiry, calmly conducted, might lead to a most beneficial result for the general good, we have a right to know whether this matter is to be merely held in suspense; and I think I am not putting an impertinent question, when I ask the hon. Member for North Warwickshire (Mr. Spooner) to state what his intention is in regard to it.

Mr. NEWDEGATE said, that his hon.

Colleague having met with an accident, had asked him to watch the proceedings on his Motion. He had taken all the pains in his power to ascertain when the discussion could with certainty be renewed, and, when a fair opportunity for discussion in a full House might be obtained, he had asked the Government to give him a day specially for this purpose. The Government had informed him that they could not afford him this opportunity of resuming the discussion. He had therefore had recourse to the Order-book, and having carefully examined it, had found that the only day on which he could bring forward the Motion for resuming the adjourned debate was on the 16th June. He had accordingly selected that day. With respect to the propriety of continuing the discussion on that day, he might remark that it was the wish of a large portion of the people of this country to have a decision on the question in the form in which it had been submitted to the House; because they wished to know whether or not the House would sanction the institution of an inquiry into the system of education pursued at the College of Maynooth. It was the opinion of his hon. Colleague, as it was also his own, that as this question had been brought forward, an opportunity should be given to the House of coming to some decision on the question. In the course he had taken he had acted in accordance with what he believed to be the wish of his hon. Colleague.

Motion made, and Question proposed, "That the Debate be adjourned till Wednesday, the 16th day of June next."

Lord JOHN RUSSELL: After what has been stated by the hon. Gentleman, it really appears that it must be obvious that it is a mere mockery to name the 16th of June as the day on which the House will appoint a Select Committee to inquire into the system of education in Maynooth College. If there be an inquiry, it cannot be by appointing a Committee that cannot meet until the 18th of June, or sit more than three or four days, or possibly a week after that date. This is a very grave subject; and if the hon. Gentleman really wishes for an inquiry into the system of education at Maynooth, it is not a thing to be begun and ended in a day. It is a matter of the utmost importance—it is a matter on which the feelings of the people of this country, of Scotland, and of Ireland are deeply interested; and to propose that on the 16th of June we should appoint a Select Committee on the subject, is treating it with disregard and disrespect; and I hope the Motion will not be brought forward on that day. I was prepared, if the debate was brought on to-day, to say I am not opposed to an inquiry into the system of education at the college of Maynooth; but I am not prepared to vote in favour of the Motion of the hon. Member for North Warwickshire. It is one thing to say that there should be a grave and well-conducted inquiry whether the system of education at the college of Maynooth is such as it should be, supported, as it is, by a public grant; and it is another thing to question the very ground on which the grant was originally made. I am not prepared, after having heard the statement of the hon. Member for North Warwickshire, to vote for an inquiry by a Select Committee of this House. If an inquiry be instituted, it is better it should be instituted by Her Majesty's Government, according to the provisions of the Act of Parliament, which lays down precisely that there may be an inquiry either by means of the visitors appointed under that Act at their annual visit, or by the appointment of the Lord Lieutenant to make a special inquiry. But if the Government are not satisfied with that mode of inquiry, it is in their power to appoint other persons to conduct an inquiry of that nature. Such an inquiry can be proceeded with when Parliament is not sitting; and upon which Parliament can come to a decision when it is reassembled. With regard to the whole subject, I am prepared to say that I wish to maintain the grant to Maynooth. I think it is desirable that, if there be an inquiry, it should be an inquiry with the view of providing a remedy against any abuses, should such be proved to exist, and not with a view of subverting the grant. I think it desirable that the people of this country should be aware of the opinions of those who have taken part in the debate; and I regret that the speech of the right hon. Gentleman the Secretary of State for the Home Department was not such as to convey a clear opinion to the House as to the policy of Her Majesty's Government. I greatly lament that, upon a subject of so much importance as that of national education in Ireland, and the maintenance of the college of Maynooth, the Government should have chosen to throw these questions open; that they should have left their opinion to be debated and discussed during the next six months, and that they have not given a decided opinion upon these subjects. If the Government are prepared to say that in their opinion the grant to Maynooth ought to be withdrawn, let them so declare it. But if they think it ought to be maintained, let them not excite public opinion on a subject which might lead to such serious importance. There can be nothing more undoubted than the truth of the observation made by the right hon. Gentleman the Member for Oxford, that, supposing this grant were to be taken away by Act of Parliament—this small pittance that is now allowed for the Roman Catholic population of Ireland—the question with regard to ecclesiastical establishments in Ireland would not stop there; and that we should have presently a question raised as to what is allowed for the Protestant Establishment in that country. When I had the honour of holding office, it was my wish to keep the question of ecclesiastical establishments in Ireland in abeyance, and not to provoke Parliamentary discussion upon them. If the Government are determined that the grant for Maynooth shall be withdrawn, or even if, without being determined to withdraw it, they leave the question to be ventilated upon the hustings, without giving a decided opinion upon it, we shall be forced to go into the whole question of ecclesiastical establishments in Ireland. A course more dangerous and more full of difficulty than that which the Government is pursuing upon this question, I do not know; and I really do hope that the Government will be prepared, before the 16th of June, to declare some decided opinion, whether their policy is to maintain or to withdraw the grant to Maynooth.

The CHANCELLOR OF THE EXCHEQUER: Sir, the Government are not prepared to abrogate the grant to the College of Maynooth, nor has any thing fallen from any Member of Her Majesty's Government that would at all justify that statement on the part of the noble Lord. I am in favour of an inquiry into the system pursued in that College, which is the Motion brought forward by the hon. Member for North Warwickshire; though the grounds on which he recommends that Motion are not such as I can concur in. My right hon. Friend to whose speech the noble Lord has referred (Mr. Walpole), expressed his opinion that although an inquiry should take place, still it should be limited to ascertaining whether the objects of that institution had been fulfilled. And I think that that was a very fair subject for inquiry. As to the best means of conducting that inquiry, that, no doubt, requires very grave consideration; but I cannot agree with the noble Lord that the best course would be to issue a Royal Commission. That Royal Commission would be open to all those objections which I heard the other night stated with reference to Royal Commissions upon other subjects; and though I am not bound to state to the House of Commons what course I should have recommended with regard to this question, brought forward by an independent Member, still I cannot agree with the noble Lord that it would be our duty to recommend to Her Majesty to issue a Royal Commission, during the recess, to inquire into this subject. That Commission would not possess powers so large as those which would be possessed by a Committee of this House; and I am convinced that the result of such an inquiry would be unsatisfactory. Some hon. Gentlemen opposite sneered when my hon. Friend the Member for North Warwickshire (Mr. Newdegate) alluded to his inability to obtain a day from the Government to pursue the discussion which has already commenced. My hon. Friend the Member for North Warwickshire said that he had taken a straightforward course; and I think that whatever may be the difference of opinion upon political points entertained by hon. Gentlemen opposite, and the hon. Member, they will agree that the hon. Gentleman (Mr. Newdegate) was justified in making that assertion. My hon. Friend is a man incapable of stating an untruth. But the Government did not refuse to give him a day for resuming the discussion. It is all very well to allege that we wish to evade discussion upon this subject; but let us dispassionately consider the position in which we are placed with regard to the transaction of public business. It is almost impossible, especially from the opposition which we have experienced on the Militia Bill—it is almost impossible, even with the greatest sacrifices, and the greatest exertions, to bring affairs to that desirable point which it seems it is the wish of all hon. Gentlemen, even of those who throw the greatest obstacles in our way, we should attain. At this moment there is a Bill which it is absolutely necessary that we should expedite through this House, and that is the Bill to prevent Corrupt Practices at Elections. I told the noble Lord the other day, that as soon as we should get through the Committee on the Militia Bill, I should endeavour to go on with that measure in the first instance. That shows no disposition on my part to stop the progress of public business. We have, then, the New Zealand Bill, which it seems it is the general wish of the House should be proceeded with; and if it be not thought expedient that the House should legislate on that subject in the present Session, it will be necessary to bring in another Bill, and to continue the present state of things for another year. At the same time the Civil Estimates have not yet been discussed. On these, in accordance with the promise I gave a few nights ago, I am bound to secure, as far as I can, an opportunity to the hon. Members for Shrewsbury and Lambeth to submit their Motions to the House. If by any possibility the Government could have given a day to my hon. Friend (Mr. Spooner), there is no probability that the House would have come to a decision upon his Motion. Representations to that effect were made to me by hon. Gentlemen on both sides of the House, and they were considered by the Government. Hon. Gentlemen opposite seem to think that there is no desire on the part of the Government to permit the adjourned debate on Maynooth College to be resumed; but let me remind them that it is in their power to secure that discussion if they will only agree to give up to it the Tuesday, which is at their disposal. If they really wish to secure further discussion upon the subject, they may be able to do so by making such an arrangement with the hon. Member for North Warwickshire. I throw out this for their consideration, and by way of answer to some taunts which I think have been rather freely indulged in —and which are without any fair foundation—by the noble Lord the Member for the City of London.

Lord JOHN RUSSELL: The right hon. Gentleman is mistaken if he supposes that I recommended the issue of a Royal Commission for the purpose of inquiring into the system of education at Maynooth. All that I said was, that the Act provided a particular mode of inquiry, and that mode should in the first instance be resorted to, if it was not proposed absolutely to abrogate the grant.

Mr. BERNAL OSBORNE said, the reasons given by the right hon. Gentleman the Chancellor of the Exchequer, for the course taken by the Government, with respect to the Motion of the hon. Member for North Warwickshire, were perfectly valid. But he (Mr. Osborne) had a suggestion to make. He was sure everybody admitted that both the hon. Members for North Warwickshire were perfectly sincere on the subject; but he was bound to say, that he was afraid that those hon. Gentlemen had not searched the Order Book with sufficient care. The hon. Member for Warwickshire had omitted to observe that there was one day open to him. If he had this Maynooth question so much at heart, why did he not fix Wednesday next for its resumption? [" Oh, oh !"] Those Gentlemen that cried " Oh, oh," could not be sincere about the Maynooth question. If they were, they would prefer the settlement of that question to visiting a race ground. He called upon the hon. Gentleman to fix Wednesday next for the resumption of the debate.

Mr. SERJEANT MURPHY said, it was extremely unfair to the Irish Roman Catholic Members to postpone the debate till the 16th of June, because that day must necessarily be close upon the dissolution of Parliament, and at that period those Members would probably be engaged in addressing their constituents, in preparation for the coming election. Many of them had, in fact, left town to prosecute their canvassing, and if this subject were to be resumed on the 16th, they would be obliged to return to town. But it was not certain whether it would be resumed on that day; and as a matter of justice, therefore, he called upon the hon. Member to fix some day on which it was next to a certainty that the debate would be resumed. Once for all, let the hon. Member state distinctly whether it was his intention to bring on the debate again upon the 16th of June?

Mr. CHISHOLM ANSTEY said, he was perfectly willing to discuss this question on a Saturday, which was an open day. If the hon. Member for Warwickshire should persevere in attempting to put off the debate till the 16th of June, he (Mr. Anstey), as an Amendment, would move that it be resumed on Wednesday next.

Amendment proposed, to leave out the words " Wednesday the 16th day of June next," in order to insert the words "Wednesday next," instead thereof.

Question proposed, "That the words 'Wednesday the 16th day of June next' stand part of the Question."

Mr. NEWDEGATE said, his object was to bring forward the question on such a day as he thought would afford the fairest opportunity for discussing the question. Now, as he did not think that Wednesday would afford such an opportunity, he must decline the proposition of the hon. Member for Youghal. He should endeavour to consult with some Members of the House with the view of obtaining an earlier day than the 16th of June for resuming the debate.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF COMMONS,

Thursday, May 20, 1852.

Minutes.] New Writ. — For Sandwich, *v.* Charles William Grenfell, Esq., Manor of Hempholme.

Public Bills.—1° Metropolitan Burials; Inland Revenue Office; Hereditary Casual Revenues in the Colonies; Excise Summary Proceedings; Colonial Bishops.

2° Turnpike Acts Continuance; Turnpike Trusts Arrangements.

Reported. — Proclamation for Assembling Parliament.

3° Apprehension of Deserters from Foreign Ships.

RIBBANDISM IN IRELAND.

Mr. ORMSBY GORE: Sir, I beg to ask the right hon. Gentleman the Attorney General for Ireland for information respecting the arrest and committal to gaol of eight Ribbandmen, seized in their lodge at Granard, and committed to Longford gaol, and concerning their having been subsequently admitted to bail. These eight persons, when seized by a police officer, were in the act of writing threatening notices to individuals in the neighbourhood. They were committed to gaol, and subsequently brought before the magistrates. There was a division amongst the magistrates as to their being admitted to bail, and the majority agreed to admit them to bail. On one of those persons, named Brierley, there was found a death notice to Mr. Green, the clergyman of Granard, and on another of them, named Donnelly, was found a notice of death to be served upon a person of the name of Fitzpatrick, a most respectable farmer, of the neighbourhood, he having been served before with a notice to the same effect. At the bottom of the notice was written, "This is the second time, and by God Almighty if this dost not do, you may have your coffin ready afore long." They have been admitted to bail, and there is a strong sensation in the country with regard to it. I this day received a letter from that part of the country, stating that on their being committed to gaol, a number of bad characters were missed out of the neighbourhood, but they all have returned since the principals were let loose. I have no other interest in troubling the House on the subject, than the security of my labourers in that part of the country. I beg, therefore, to know from the Attorney General for Ireland whether the crime committed was bailable, and what steps are likely to be taken for the purpose of restoring confidence to the loyal and well-affected individuals of the locality?

Mr. NAPIER: It is quite true, as stated by my hon. Friend, that there have been eight persons taken up under circumstances which induced the magistrates to think that they were justified in committing them to gaol for the purpose of being tried as members of an unlawful confederacy. My hon. Friend must be aware that a change was made in the law some years ago—a change that is under the consideration of the Committee upstairs at this present time, and consequently the difficulty has arisen with respect to persons found in those lodges with papers. Formerly the possession of those papers afforded substantive evidence of the guilt; but the change of the law has caused embarrassment and difficulty to the magistrates and police in taking up persons under these circumstances. In regard to this particular case, there were eight persons discovered, but not exactly as stated by my hon. Friend. They were not discovered writing the notices, but they were discovered in a public-house, with pen and ink on the table, and the papers which are annexed to the informations were discovered in their possession. The offence would be an offence of being members of this ribband society, and it might assume the higher character of conspiracy to murder. The magistrates are intrusted by law with a discretion in cases of felony and misdemeanour to consider the circumstances, and, if they think proper, to admit the parties to bail, taking sufficient security for their appearance. They must be tried in the county where the offence was committed; they cannot be tried except by a Special Commission, until the summer assizes, and the magistrates thought they were bound to admit them to bail. Two of them are still in custody, not being able to find sufficient bail; five of them have been admitted to bail; and one of them remains willingly in custody, and there is no question as to him. However desirable it may be to bring such parties to justice, we should not do anything that may appear to be a violation of the Constitution; and if the magistrates honestly thought they were bound to admit them to bail, we ought not to prejudge the case. It is the intention of Her Majesty's Government to use all the power they possess to have these and similar cases tried, and they will put all the power of the law in force to the utmost of their ability to bring the offenders to justice. I am not aware that there is any intention imputed to the magistrates of acting corruptly, and they thought that under the Act of Parliament they ought to admit them to bail. All I can promise to do is, to proceed at the next assizes with all the power of the Executive Government to put down this system. [Mr. O. GORE: The amount of bail is from 10*l.* to 30*l.*] I cannot say, for the magistrates decide upon that. It is stated that the sureties are respectable farmers in the neighbourhood, and have given such bail as the magistrates think sufficient, and it would be wrong in me to impute anything improper to the magistrates.

THE REV. MR. BENNETT—FROME VICARAGE.

MR. HORSMAN said, that, in reference to the Motion of which he had given notice as to the institution of the Rev. Mr. Bennett to the vicarage of Frome, that he thought it better to adhere to his original intention of bringing forward that Motion on an early day after Whitsuntide, than to press the Government to any immediate course with reference to it, which might result in an interference with the progress of public business. Having alluded to the subject, he would take the opportunity of putting to the Chancellor of the Exchequer a question in reference to a misconception that had got abroad with respect to that right hon. Gentleman's statement of the law, or, to speak more correctly, with respect to his statement of the law opinion expressed by the Crown officers, on the case submitted to them on behalf of the Government. The House had manifestly inferred from the statement of the right hon. Gentleman, a few evenings since, what he was sure the right hon. Gentleman could never have intended—namely, that parties complaining of a bishop's having improperly instituted a presentee to a living, had redress for that grievance under the Church Discipline Act. This, he thought, could not have been the right hon. Gentleman's meaning, and, if not, he would give him an opportunity of correcting this misapprehension by now asking him this question, namely, Whether, in the case of any person complaining that a bishop had improperly instituted a presentee to a living, there would be redress for such a person under the Church Discipline Act?

The CHANCELLOR OF THE EXCHEQUER: I am not aware that I made use of the expression "improperly instituted" on that occasion. What I stated, or, at all events, what I intended to state, was, that any parishioner of Frome who complained of a grievance in the institution to a vicarage of a person, like the present vicar of Frome, alleged to have committed gross breaches of discipline and doctrine, might obtain redress through the interposition of the bishop of that diocese where the alleged breaches of discipline and doctrine were committed; and I also stated that he might obtain redress by appealing to the bishop in whose diocese the person accused of offending against the ecclesiastical law at present holds preferment. I stated that there were these two ways of redress open to the parishioners of Frome; and that it did not appear from all the inquiries which the Government had instituted on the subject that any parishioner or parishioners of Frome had as yet endeavoured to procure redress by either of these methods. If that was not precisely what I stated, it is assuredly what I intended to convey to the House. With respect to the other point to which the hon. and learned Gentleman has slightly alluded, namely, as to the means of obtaining redress against these bishops, or either of them, in the event of they or either of them refusing to institute the inquiry provided for by the Church Discipline Act, I beg to remind the hon. Gentleman that what I stated was this, that Her Majesty's Government had such confidence in the discretion and sense of duty of the Prelates of the Church, that they could not contemplate any such contingency. My words, as accurately as I can recall them now to memory, were these: "The law has provided the means of redress, and we cannot believe that the bishops, who are the means appointed by law to secure that redress, would offer any obstacle to the course of justice and the cause of truth."

MR. HORSMAN said, the right hon. Gentleman had misconceived his question. His (Mr. Horsman's) Motion was to inquire whether the Bishop of Bath and Wells had acted properly in instituting the Rev. Mr. Bennett to the vicarage of Frome; and the right hon. the Chancellor of the Exchequer met that Motion by stating, in effect, that, if the Bishop had acted improperly, the parishioners had redress against him under the Church Discipline Act. Those might not have been the precise words used by the right hon. Gentleman, but the language he employed was thought to have that signification. He begged to be informed whether it was the opinion which was conveyed to the Government by the law officers of the Crown, that there was any redress against the Bishop under the Church Discipline Act?

The CHANCELLOR OF THE EXCHEQUER: My remembrance of what I stated is precisely that which I have already explained. I have a strong impression—an impression in which I am confirmed by hon. Friends who sat near me, and listened attentively to my words—that I never made any such statement as the hon. Gentleman has attributed to me. I spoke merely of the redress which the law had provided for the parishioners of Frome with respect to a grievance which they might suppose themselves to labour under; but I did not make any statement as to their redress against a Bishop.

MR. HORSMAN would be glad to be informed whether, in the case submitted by the Government for the opinion of the law officers of the Crown, there was any inquiry whether, in the event of a parishioner complaining, without effect, to a Bishop of the improper institution of a vicar, there was, as the law now stood, any redress against that Bishop?—any right of appeal to an Archbishop for instance?

The CHANCELLOR OF THE EXCHEQUER appealed to the House whether it was not irregular and highly inconvenient that the Government should be called upon to state the precise terms in which a case had been submitted on their behalf to the Crown officers. He would, however, state this much, for the satisfaction of the hon. and learned Gentleman—for he wished to have no secrecy on the subject—that the Government did consult with the Crown officers as to the alleged irregularity in the institution of the vicar of Frome, and that the Crown officers gave it as their opinion that there was no irregularity.

MR. HORSMAN gave notice that to-morrow he would ask Her Majesty's Government whether there would be any objection on their part to the laying on the table of the House the case submitted to the law officers of the Crown in the matter of the institution of the Rev. Mr. Bennett to the vicarage of Frome? On that occasion he would, with great deference to the Crown officers, take leave to state his own views as to the law of the question.

The CHANCELLOR OF THE EXCHEQUER said, he would not put the hon. and learned Gentleman to the inconvenience of waiting until to-morrow for a reply to that question. He begged to say that he considered the request of the hon. and learned Gentleman as very irregular and wholly unusual. He (the Chancellor of the Exchequer) had, on principle, the greatest objection to laying on the table any case submitted by the Government for the opinion of the Crown officers, and he hoped that the House would support the Government in that objection.

VISCOUNT CASTLEREAGH would take that opportunity to state the nature of the question he intended to ask in reference to this subject either to-morrow or on Monday. Entertaining a notion that this question had been very unfairly dealt with, and that assertions had been made with reference to it which could not be substantiated; he wished, before there was further debate on the question, to ask whether Her Majesty's Government were aware, or whether they had reason to believe, that the Rev. W. J. Bennett, who had been appointed to the vicarage of Frome, was or was not a clergyman in the holy orders of, and in communion with, the Church of England?

MILITIA BILL.

Order for Committee read.

House in Committee.

Clause 17 (General Meetings to apportion deficiencies among subdivisions and parishes).

Mr. MILNER GIBSON said, he wished to know how the ballot was to be conducted, and whether the Government proposed to adhere to all the provisions of the 42 *Geo.* III. in that respect? If so, it would be necessary for every householder to make a return of all the men dwelling under his roof, describing the physical infirmities alleged by any of them as a ground of exemption; and then details were required to be publicly exhibited upon the church doors on one Sunday morning. Under the 42 *Geo.* III. also, a period of only three days was allowed after the publication of the lists, within which persons might appeal against being called upon to serve, and that period ought, in his opinion, to be extended. It was further provided by the same Act that the deputy lieutenants were to decide upon the appeals, and that their decision should be final. For his own part, he did not think that deputy lieutenants were proper officers to decide upon the civil rights and judicial questions which might be submitted to them under the Bill. He considered that the question arose, whether the Committee ought not to adopt rules and regulations for taking the ballot more in accordance with the feeling and spirit of the present day than those in use fifty years ago?

Mr. WALPOLE was understood to say that it was his intention to abide by the regulations of the Act 32 *Geo.* III., for he was not aware that any inconvenience had arisen under those regulations.

Mr. BRIGHT said, that it was required by the 42 *Geo.* III. that a list should be made and placed upon the church doors, describing the nature of the bodily infirmities which were alleged to incapacitate any persons from serving in the militia; and this proceeding would, he thought, be most painful to the feelings of many persons. It was provided that the lists to be published under the Act should be posted only upon the church doors, and therefore to that portion of the population who attended dissenting chapels, including one half of the persons affected by the clause, the notices would be of no avail. The lists were to be exhibited on "some one Sunday morning;" but he thought some particular Sunday should be specified for their publication. He affirmed, without fear of contradiction, that if the hon. and

learned Attorney General was drawing up a clause of that kind, he would not for one moment submit such a one to the House. The Act of the 42 *Geo.* III. was not before the Committee; and they were actually wading on in the dark among a mass of regulations of which they knew nothing. He intended, therefore, when they came to Clause 28, to propose that Mr. Bernal, as the Chairman, should take the 42 *Geo.* III., and should read the whole of the 150 or 160 clauses, in order that the Committee might know what they were enacting in this Bill.

The ATTORNEY GENERAL said, he was sorry he could not congratulate Mr. Bernal upon the prospect of the duty he would by-and-by have to perform. With regard to the objections of the hon. Member for Manchester (Mr. Bright), he begged to say in the first place, that the hon. Gentleman was under a mistake in supposing it would be necessary for the parties to publish the particular description of bodily infirmity under which they laboured, and which incapacitated them for service in the militia. By the words of the 42 *Geo.* III. it would be sufficient to state the name of the party, and that he laboured under a bodily infirmity which exempted him; and the question whether that was such a bodily infirmity as to exempt him, would be the subject of consideration upon appeal to the deputy lieutenants, who would have to decide on the matter. The right hon. Gentleman (Mr. M. Gibson) was of opinion that the deputy lieutenants were not fit persons to determine these questions. Well, what were deputy lieutenants fit for? He (the Attorney General) rather thought he had seen the right hon. Gentleman himself decorated in the uniform of a deputy lieutenant. He believed the right hon. Gentleman had the honour of holding a commission as deputy lieutenant; and he confessed that for his own part he should feel that the right hon. Gentleman was perfectly competent to decide such questions, and questions of much greater importance than would be submitted to deputy lieutenants under this Bill. Very generally the deputy lieutenants were magistrates of the county, and in that capacity they had much more important functions to perform than that of ascertaining whether a man was bound to serve in the militia, or ought to be exempted. He did not think, therefore, that there was any great weight in the right hon. Gentleman's objection, that deputy lieutenants were fit for no other duty than that of wearing a red coat, and displaying themselves on those occasions when he had had the pleasure of seeing the right hon. Gentleman. With respect to the time for the appeal, it was supposed to be indefinite; but that was not so, for by reference to a former clause of the 42 *Geo.* III., it would be seen that subdivision meetings were to be appointed at the general meeting on the 10th of October; that those subdivision meetings were to be advertised, so that they would be perfectly well known; and then came the notice to be fixed on the church doors three days before such subdivision meeting. As to the other objection of the right hon. Gentleman, he agreed that it was only reasonable that the notices should be published on the doors of the chapels, as well as of the parish church; and, supposing his right hon. Friend (Mr. Walpole) was of that opinion, a provision might be introduced to give satisfaction on that point.

MR. WALPOLE was understood to say there would be no objections to the publications of the notices on chapel doors.

MR. MILNER GIBSON said, he could not concur in the opinion of the hon. and learned Gentleman the Attorney General as to the meaning of the clause referred to, for there happened to be a Schedule to the Act, in which there were these words: "Infirmities, if any, likely to incapacitate from serving." And again, "Infirmities, if known." He would admit that deputy lieutenants were persons of average ability; but even if they were supposed to posssss sufficient medical skill to determine whether an infirmity was sufficient to disqualify a man from service, there were a number of legal questions that might also arise. Suppose, for instance, that a man pleaded apprenticeship, the deputy lieutenant would have to decide whether it was a legal or a merely colourable apprenticeship. Or, again, a man might plead that he was a member of the Watermen's Company; or the deputy lieutenant might have to decide the meaning of that most remarkable exemption, whether a person was a poor man. The deputy lieutenant could not be expected to decide upon the points that might arise unless he had professional skill and experience; and he (Mr. M. Gibson) submitted that he ought to have assessors.

The ATTORNEY GENERAL would remind the right hon. Gentleman that the question of physical infirmity would be settled by the surgeon of the regiment, who would have to examine each person before he entered the corps. The questions of whether a man was an apprentice or a member of the Watermen's Company, were questions of fact, and such as a deputy lieutenant was quite qualified to decide. But with respect to the right hon. Gentleman's last case, whether a man was a poor man, he should like to know what kind of assessors could assist him in determining a point like that? The right hon. Gentleman should remember that it was proposed to give no new authority to the deputy lieutenants.

SIR DAVID DUNDAS considered that, from the words in the Schedule of the 42 *Geo.* III., it would be necessary to describe the particular infirmities under which persons claiming exemption laboured.

MR. MOWATT thought these discussions showed that the House was in a false position, dealing with an Act which it had not before it, and, by incorporating that Act in this Bill, giving powers with respect to the militia of which the country had no conception—powers barely tolerated in a former age under extraordinary circumstances.

MR. WALPOLE said, the question was, supposing they had drawn up a Bill to amend the law relating to the militia, whereby they would raise men by voluntary enlistment, they would leave the law as it stood in other respects, as had been done on all former occasions. They did nothing by the present Bill to alter the law, except so far as they amended and mitigated it by some of the provisions of the Bill; and when any objection was made to a particular clause, the Government did not show any disinclination to consider any reasonable improvement.

MR. BRIGHT said, he believed that when men enlisted in the regular Army, and were subjected to surgical examination, they were obliged to strip naked, and to undergo much more examination than any beast shown in Smithfield. Was this course to be pursued with regard to men drawn by ballot for the militia?

MR. WALPOLE should conceive not. All that was wanted was a sufficient examination by a surgeon to ascertain that the man was not incompetent.

MR. HARDCASTLE said, he now begged to bring forward the Proviso of which he had given notice. He did not wish to vary the discipline of the embodied militia in respect to flogging from that of the regular Army, for he thought there was great force in the objections of the right hon. Home Secretary made on a previous occasion, namely, that where the regular Army and the militia happened to be quartered together, it would be hard, and also impolitic, to subject the soldier to a more severe and degrading punishment than the militiaman; but his (Mr. Hardcastle's) opinion was, it would be cruel and unjust to inflict corporal punishment on militiamen, more especially those raised by ballot, during the period of training. He thought if Government adopted the Proviso, they would act wisely, and render their measure much more acceptable and popular.

Amendment proposed—

"In page 7, line 17, at the end of the Clause to add the following words: 'Provided always, that whereas by the said first-recited Act it is declared that the provisions of any existing Act of Parliament for the punishment of Mutiny and Desertion are to be in force with respect to the Militia during such time as they are assembled for the purpose of being trained and exercised, but so that no punishment shall extend to life or limb, and that whereas such provisions render Militia Men liable to corporal punishment, no such provisions shall be held to extend to any Militia Men not embodied so far as to render them liable to corporal punishment by the sentence of a Court Martial.'"

Mr. BERESFORD considered that this question had been settled by the previous discussions; and that it was quite impossible to have two Mutiny Bills. Moreover, by the custom of the Army, corporal punishment was never inflicted except for disgraceful conduct, and therefore the object of the hon. Gentleman's Proviso was already met. He regretted that hon. Gentlemen had spoken of corporal punishment as degrading to those who received and to those who inflicted it. The degradation was not in the punishment, but in the crime for which it was administered. He was likewise very sorry to hear an hon. and gallant Gentleman (Colonel Salwey) on a former debate, state that he had known instances in the Guards where a Court Martial had proved no safeguard to the soldier, because the commanding officer had interfered to bias the opinion of the Court. He (Mr. Beresford) could only say that during the period he was in the Army, he had never heard of such a thing; and he had since communicated with several officers of the Guards, who also declared that not an instance of such conduct had ever come to their knowledge.

Sir GEORGE PECHELL said, that the opinion of the hon. and gallant Member for Ludlow (Colonel Salwey), was worth a great deal more than that of all the colonels on the Treasury benches, for they had declared that they could not carry on their business, without the power of inflicting the lash. He (Sir G. Pechell) regretted to hear the manner in which the services of the hon. and gallant Member for Westmenter had been spoken of; nor could he forget that at the Westminster election fellows had been exhibited with their arms tied up to represent the flogging which it was insinuated had been inflicted by order of the hon. and gallant Member. He looked upon that as a most disgraceful proceeding to the parties who were responsible for it. With respect to the question before them, he thought that flogging in the Army ought to be abolished; but he doubted whether it could be dispensed with in the Navy, where there were not the means of ordering confinement. But he was happy to say that hardly a ship returned from foreign service now but what the list, as to flogging, was a clean sheet of paper. He should support the clause.

Colonel ESTCOURT said, that he had served for a period of twenty years, and he had never known a case where the commanding officer had attempted to bias a Court Martial. He was convinced that such an idea would never enter into any officer's head.

Mr. MOWATT said, he knew it was hopeless to appeal to the right hon. Secretary at War, who had broadly stated and reiterated his opinion, that the lash was not a degrading punishment, either to suffer or to inflict; but he did hope that the right hon. Gentleman the Home Secretary, who had shown every disposition to modify the more violent portions of the Bill, would adopt the Proviso.

Mr. GOULBURN thought that a Proviso should have some relevancy to the clause to which it was appended. Now as Clause 17 referred to meetings to be held by the lord lieutenants and the deputy lieutenants of counties, it would be supposed that the object of the Proviso was to exempt them from corporal punishment.

Colonel SIBTHORP said, there were occasions when flogging was absolutely necessary. A mutiny might take place, and how was it to be suppressed? In scarcely any case was there a disposition on the part of the officers to inflict that punishment.

Mr. BRIGHT said, he could not see the difficulty of inserting the Proviso somewhere, after the statement of the right hon. Secretary at War that it was next to impossible flogging should be inflicted when the militia were under training. The supporters of the Proviso were only asking the Committee to carry a distinction already drawn a little further. He would have proposed this Proviso himself to make the measure less difficult to work, and less hateful to those whom it might affect.

Mr. WALTER said, he had voted with the minority when the question of flogging was raised on the 7th Clause, and was strongly of opinion that the Government might have conceded that point. If you made all liable to corporal punishment, whether they were volunteers or men balloted for, you, in effect, put a premium to the ballot, and prevented volunteering; for who would volunteer if they were as liable to flogging as they would be if they were men balloted for?

Mr. TUFNELL wished to know whether the volunteers as well as the balloted men would be subject to the provisions of the Mutiny Act?

The ATTORNEY GENERAL said, the volunteers equally as well as the men enrolled by ballot would be liable to the Mutiny Act.

Sir CHARLES WOOD said, he would beg to refer to an Act of 44 *Geo.* III., for regulating the punishment of offences in the yeomanry corps, which clearly enacted that volunteer bodies, as well as the yeomanry corps, were to be subject to the provisions of the Mutiny Act.

Sir DAVID DUNDAS said, he was anxious to say a few words on the present question, having had the honour for some time of helping in the administration of military law, as Her Majesty's Judge Advocate. He had, from time to time, heard a great many objections made to corporal punishment. He wished, however, to call attention to the fact, that within a few weeks the Mutiny Act had been passed without one word being then said with respect to corporal punishment. In passing the Mutiny Act they had not prohibited the infliction of corporal punishment in the Army, as they might have done if they had been minded so to do. But it being the law under the Mutiny Act that corporal punishment should be inflicted in the Army, he was of opinion that it ought to apply to the militia also; and that, too, not merely when the enemy was in the field, but when the force was in garrison. It would be impossible, in the case of garrisons composed of militia and the regular forces, to have two different kinds of punishment existing. Not only would the regular troops resent any such difference, but it would soon be found impossible to maintain discipline among the men. That was the opinion of the right hon. Secretary for the Home Department. But he (Sir D. Dundas) was not so sure on the question of training and exercising the militia. He held, in common with every military man with whom he had had the honour of conversing on the subject, that corporal punishment could not be dispensed with for the embodied militia, if it were retained for soldiers of the line. But in the 5th Section of the Mutiny Act, provision was made that nothing in that Act contained should in any way be taken to extend to militia, or yeomanry, or volunteer corps, except in cases where by the Act or Acts for regulating such corps the provisions of the Mutiny Act for the punishment of mutiny and desertion should be "specifically" extended. He considered, and had always done so, and had taken leave to mention to a right hon. Friend of his, that the word "specifically" rather drew attention to the provisions of the Mutiny Act with reference to the question how far they should be extended to the militia (as we understood); and therefore, when Parliament came to legislate on that subject, he thought it an open question, and one which was well worthy of attention at a crisis like this, whether they were bound to continue the same punishment upon men who were called out by the ballot against their will, and upon men who were volunteers when the militia was enrolled for the mere purpose of training. He humbly thought it by no means a clear question whether you might not dispense with the punishment at the time of training. He wished to add a word on the question of punishment and corporal punishment. A great many things had been said on the subject unadvisedly, without knowledge, and against the real construction of the merits of the case. He thought it right that he should say so, who had had thousands of proceedings by Courts Martial passing through his hands. What did he find in the administration of the law with respect to corporal punishment? Corporal punishment was to be administered only in cases to which that law restricted it, but these very grave. It had been said that there were but two cases to which corporal punishment applied. That was true, but one of them was neglect of duty; the other was misconduct. Who should decide the width and breadth of these two words by themselves? If this were their punishment for such offences, it was proper to apply them; and they ought to continue to apply them so long as they continued to have such punishment. But he was not quite sure whether he had not heard hon. Gentlemen speak unadvisedly and without knowledge with respect to the mode of the administration of punishment by military law. He took leave to say that he did believe there was no punishment among all the punishments in the Army which was laid on with more discrimination — he would say with more kindness, in consistency with duty—than corporal punishment. He did not know that there was a single officer with whom he had had the honour of communicating during the period of his tenure of office, that had not assured him, not merely by word, but by acts, that if there were a mode of escaping the infliction of that punishment, recourse was invariably had to that mode. There was another observation which he thought it his duty to make, that, under the Mutiny Act, there was a power in the confirming officer to consider whether the punishment might not be done away with. In the case of Her Majesty's confirming officer, in the case of the illustrious Duke at the head of the Army, in the case of the various officers who had to administer military law, there was an anxious and earnest desire to administer that law in mercy, and, if possible, to save the soldier from disgrace. In bringing it to pass that so much as might be what was necessary punishment should be inflicted, but no more, he should say there was at the Horse Guards a gallant officer at the right hand of the illustrious Commander-in-Chief, to whom any hon. Member might refer any case bearing on the subject, and he would find a gentleman capable of attending to him, taking the deepest interest in the private as in the officers, and seeing that no extreme punishment should be inflicted under military law, if equity, justice, and good sense could come in and stop the infliction. Though, perhaps, he (Sir D. Dundas) had gone a little more at large into the subject than it was usual to do on such occasions, he came back to the point where he started, that he doubted whether discipline might not be exercised in training the militia without the enforcement of this hard passage in the law. The punishment being applied to the line, could not be dispensed with for the embodied militia. Therefore it was he thought his friends not well founded the other night in their argument; and, having expressed his opinion this evening, he should call on Her Majesty's Servants to give the subject their grave and serious consideration, and when the proper time came, he hoped that at the end of the 28th Clause, whereby was incorporated the 42nd *Geo.* III., c. 90, with the present measure, his right hon. Friend the Home Secretary would be prepared to do an act of mercy; he (Sir D. Dundas) was not sure but it was one of justice.

The EARL of MARCH said, he could not help thinking that the remark which had just been made by the right hon. Member for Sutherlandshire was one to which he could not subscribe. As the drilling of the militia was only to last three weeks, it would be absolutely necessary to have some severe punishment to keep the bad characters in order. It would be an encouragement to bad characters to commit an offence, such as striking a superior officer, in order to obtain an imprisonment of ten days, thereby escaping the rest of the drill.

MR. O. STANLEY said, he believed that corporal punishment could be done away with entirely, except when troops were in the presence of the enemy. He had hoped that the Government would not subject militiamen, when called out for training, to corporal punishment. When hon. Gentlemen said that militiamen could not be exempted from corporal punishment if they were in garrison with troops of the line who were liable to such punishment, they must forget that in India corporal punishment had been abolished as far as the native army was concerned.

MR. HARDINGE stated that he wished, with the permission of the Committee, to set the hon. Member who had just spoken right on the statement he made respecting corporal punishment in the native army. Corporal punishment, at present, existed in the native army; it was abolished by Lord W. Bentinck, and restored by the Governor General in the year 1844.

The CHANCELLOR OF THE EXCHEQUER said, it was a fallacious assumption on the part of the right hon. Gentleman the Member for Sutherlandshire (Sir D. Dundas) to suppose that Her Majesty's Government had not taken the question into consideration. Of course they should not have recommended the clause to the Committee unless they had given it the gravest consideration. They had given it such consideration, and they had consulted all those who were competent to form an opinion on the subject. The subject was by no means of that simple nature which the right hon. Gentleman supposed, and its settlement would be much more difficult than was generally imagined. Until the whole question of corporal punishment in the Army was dealt with, it would be impossible to make exceptional cases. Her Majesty's Government, looking at the question in that light, had arrived at the conclusion that it was their duty to propose this clause. It was, consequently, their duty to oppose the Proviso. Under these circumstances, he was bound to take the sense of the Committee by a division.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 87; Noes 132: Majority 45.

Clause *agreed to.*

Clause 18 (Men not liable to the Ballot after thirty-five).

Motion made, and Question proposed, "That the blank be filled with 'thirty-five.'"

Mr. HEADLAM moved that the limit of age after which men should not be liable to the ballot, should be twenty-five, instead of thirty-five years.

Amendment proposed, to fill the blank with "twenty-five."

Mr. WALPOLE said, if the Amendment were adopted, instead of diminishing the hardship of the ballot, the Committee would be increasing it. The assumption was, that everybody who was able to serve would be liable to serve; and, as the area was increased out of which the men were to be obtained, so would the hardship of the ballot be diminished. Again, if they were to draw men entirely from those who were within the younger period, namely, twenty-five years of age, there would be a much greater interference with the recruiting for the regular Army; for these reasons he objected to the Amendment.

Sir HARRY VERNEY said, he wished to diminish the burden of the ballot for men who were beyond twenty-five years of age, and he should therefore support the Amendment. If the right hon. Gentleman the Home Secretary could show that men who had been balloted once would be released from all future liability, then he might not object to the clause as it stood; but as the Bill was now framed, a man was liable to be drawn more than once.

Mr. MOWATT said, he was willing to admit that by enlarging the area from which men might be drawn, the chances would be reduced in favour of the younger men; but there were great varieties in the physical and social positions of men, and while in one case the liability to be drawn might be perfectly right, in another it might be most inequitable. The very fact of drawing a line at the age of thirty-five showed that there was a necessity to fix a limit somewhere beyond which men should not be liable to be drawn; and the question was, whether the Government had drawn that limit at the proper place by putting it at the age of thirty-five. Except in a case of emergency, when 500,000 men might be required to be raised, he was of opinion that the area within twenty-five years of age would be ample for all the purposes of this measure.

The ATTORNEY GENERAL said, that by the 43rd Clause of the 42 *Geo.* III. it was provided that no person who had served in the militia, either personally or by substitute, should be obliged to serve again until by further rotation it should come to his turn. [Sir H. Verney: We all know that.] He did not know whether the hon. Member for Falmouth (Mr. Mowatt) was aware of it.

Mr. MOWATT would beg to ask the hon. and learned Attorney General to explain what was meant by rotation.

The ATTORNEY GENERAL said, his notion was this, that everybody who was liable to serve in his parish, having once served, was not to be called upon to serve again. [Murmurs of dissent.] Such, at the moment, was his interpretation of the word.

Mr. HEADLAM said, that by limiting the area between the ages of eighteen and twenty-five, there was no doubt a greater chance that a larger number of persons from that range would be called on to serve; but what he contended for was this, that if they got 50,000 men from that range, the hardship would be less upon them individually than it would be on those from twenty-five to thirty-five years of age. With regard to the interference with enlistment for the Army, he had to observe that one of the arguments which had been urged in favour of a militia was, that it would train men for the Army. But if they took men at thirty-five, they would lose that advantage. So far, therefore, from this being an interference with the enlistment of the Army, he contended that his Amendment would have the effect of getting a better class of men for the regular Army.

MR. OSWALD said, he could throw out a crumb of comfort for hon. Gentleman on that (the Opposition) side of the House, namely, that if this clause should pass, it would be one of the compulsory clauses, which, he felt quite convinced, would never be carried into operation. If hon. Gentlemen wanted a topic for the hustings just now, they could make the compulsory clauses that topic; and if they did, they might rely upon it they would hear no more of those clauses.

MR. MILNER GIBSON wished to know the reason for reducing the age to thirty-five?

MR. WALPOLE said, the Government had first to consider the area, and then the capability of service. If they had taken men at forty-five years of age, they would have compelled them to serve up to fifty. By taking them at thirty-five, forty years was the utmost limit of age at which service would be required. The Government, therefore, had thought it best not to exceed that age for compulsory service.

Question put, "That the blank be filled with 'thirty-five.'"

The Committee *divided:*—Ayes 89; Noes 52: Majority 37.

Clause *agreed to.*

Clause 19 (Registrar General may be directed to furnish information to lieutenants of counties for their guidance in making appointments).

MR. OSWALD wished to point out a very curious anomaly which would exist if the Government inserted an exemption as they proposed to do in this clause. In England, where there would be something to do, the qualification of deputy lieutenants would not be required; but in Scotland, where there would be nothing to do, except to appear at Her Majesty's levees and State balls, a qualification of 300*l*. a year in land would be required.

COLONEL SIBTHORP said, he was in favour of retaining the land qualification.

SIR ROBERT H. INGLIS trusted the Government would not lower the qualification for deputy lieutenants. He was sure the great principle ought to be retained, that they should have an interest in the land of the country.

MR. WALPOLE would remind the Committee that it was not proposed to lower the qualification, but only to modify it, so as to meet the altered circumstances of the present day, when so much more property was held for long terms of years, and so much less upon freehold. There was no fear of the lord lieutenants appointing any officers unless they were satisfied that they were persons living in the county, and all appointments would be subject to the approbation of the Crown.

Clause *agreed to.*

Clause 20 (Providing that Her Majesty may direct into what regiments, &c., militia shall be formed, and with what officers and staff).

COLONEL SIBTHORP complained that the lords lieutenant were to be deprived of their usual power of appointing the officers to the militia. He considered that such power could not be placed in more efficient hands; and he hoped Government would fall into his views, and allow them to retain the powers conferred on them by the Act of George III.

SIR CHARLES BURRELL hoped lords lieutenant would appoint the surgeons and other inferior officers, as they must be best acquainted with the qualifications of the candidates.

Clause *agreed to.*

Clause 21 (The Act of the forty-third year of King George the Third (chapter nineteen)—

"'To authorise the training and exercising the Militia of Great Britain for twenty-eight days,' as amended by section five of the Act of the fifty-fifth year of his said Majesty (chapter sixty-five), 'to amend the Laws relating to the Militia of Great Britain," so far as the same relate to the Militia in England, shall be repealed, and the period of training and exercise shall, save as hereinafter provided, be twenty-one days in every year; and Her Majesty may, if She see fit, direct all or any part of the Militia of any county, riding, or place to be called out for training and exercise more than once in every or any year, and at such time or times as Her Majesty may think fit, so as the whole period of training and exercise of any Militia Man do not exceed twenty-one days in any year, save as hereinafter provided.'"

COLONEL ESTCOURT said, he thought the period proposed for training would render the force very inefficient. He did not believe that a training of twenty-one days a year for five years would make a soldier. The period of training ought to be in the first year, and never afterwards, the force being only mustered in after years. Instead of twenty-one days a year, he would say ninety for the first year, and six days as a mere muster for the remaining years. No doubt, if the ballot were to be continued, it would be a hardship to call out men for ninety days at a time; but, as he understood that the force was to be a volunteer force, this would not be felt as a grievance.

SIR HARRY VERNEY said, he feared that the period mentioned by the hon. and gallant Member would be productive of serious inconvenience to those who were called out, whereas he believed the force might be made effective without any such inconvenience to those who composed it. He would press upon the attention of Government the advantage of taking those periods of the year when the agricultural labourers had some difficulty in obtaining work—the month of November, and part of the month of December, and the month of May. Those were periods in which the men could serve without inconvenience, and they might be drilled in companies in the shorter days of November and December, and in battalions in the month of May.

MR. BERESFORD said, with regard to the time of drilling, he admitted that they could not make a good and perfectly trained soldier in twenty-one days; but there were powers in the next clause to increase this period, if necessary. He thought, however, that if men were drilled completely, and then left to rust without exercise in subsequent years of service, they would not remain in that efficient condition which the hon. and gallant Member for Devizes (Colonel Estcourt) would like to see them in.

MR. MILNER GIBSON said, that by the statute 42 *Geo.* III., c. 90, s. 100, if parties did not come to the training and exercise on the days appointed, the Government would be authorised to proceed after a certain time to ballot for persons to take their places. Now, if a good many of the volunteers, after having got the money, did not come to the training and drilling, the Government would be obliged, by this clause, to have recourse immediately to the ballot, for persons to fill their places; and this was to go on every year, *ad infinitum*, he supposed. The ballot had been suspended until 1853, and this clause ought, therefore, to have a provision introduced into it, by which the Committee would have an assurance that the postponement of the ballot to 1853 was really to be carried out.

COLONEL SIBTHORP said, that when the right hon. Member talked of persons getting the money and not coming, it must be understood that he was talking only of Manchester; but in this case the old adage, "A bird that can sing and won't sing, must be made to sing," must be put in force; if the people of Manchester did not come forward, there was such a thing as bringing them forward. He had a better opinion of the people of England generally. He thought their fidelity to their Sovereign, their attachment to their country, and their desire to preserve the property of others from a foreign enemy, would induce them to come forward without regard to the paltry sum of 6*l*. As to the period of drilling, twenty-one days a year was a mere flash in the pan. If an efficient body of men were wanted, let them be properly drilled, and to do this, not less than six weeks, or even a further period, would be necessary.

MR. J. EVANS said, his suspicion that we were about to establish an ineffective force, was very much strengthened by the opinion just expressed by high military authorities as to the period of drilling. Unless the compulsory clauses were struck out, he was afraid this Bill would turn out to be in its first part ineffective, and in its last oppressive.

MR. MILNER GIBSON said, he must repeat what he had said before with respect to the supplementary ballot, and he again begged for some explanation on the part of the Government.

COLONEL DUNNE said, that in the year 1831 there were 770 persons drawn for the militia in the city of Westminster. Of these 770 only 36 declined to serve in person, and they obtained substitutes for 3*l*. a piece. The next year every man of them appeared. There were also raised at the same time in the county of Middlesex 1,024 militiamen, of whom 1,018 appeared. The apprehension, therefore, of the right hon. Gentleman, that men would not be obtained, was perfectly chimerical.

MR. WALPOLE said, he had already stated that it was not intended to have recourse to the ballot during the present year; and if there was any doubt upon that point, he was prepared to insert words in the 15th Clause which would make the intentions of the Government clear. The volunteers for the militia would be called out in the course of the autumn; and under the section to which the right hon. Gentleman (Mr. M. Gibson) had referred, three months must elapse before the supplementary ballot could be taken, and consequently it could not come into operation during the present year. Hon. Gentlemen opposite always argued as though the volunteers were to receive their bounty down; but that was not the intention of the Government, and his right hon. Friend the Secretary at War would take good care to pay it in such a manner as to afford a security for their reappearance.

Sir CHARLES BURRELL said, that a man who took the bounty swore to perform a service, and if he did not appear when called upon, he was a deserter, and might be proceeded against as such.

Blank filled up with the words "twenty-one days."

Colonel ESTCOURT said, he should now move his Proviso, which was to the effect that Her Majesty should be empowered to direct that the drill and training of the militia in any one of the five years for which they were enrolled, should extend over a period of ninety successive days, but in that case the drill and training in the other four years should not exceed six days in each year.

The ATTORNEY GENERAL would suggest that the Proviso would be more advantageously attached to the next Clause.

Mr. BERESFORD thought the power conferred upon the Government to call out the militia for fifty-six days in one year, if desirable, and for twenty-one days in the succeeding year, would be found quite sufficient to give a thorough drill.

The CHANCELLOR of the EXCHEQUER said, Her Majesty, by the Act as it stood, had the power, with the advice of Her Privy Council, to extend the period of exercise from twenty-one days to fifty-six days. The Government, in fixing the latter period, had consulted the highest military authorities, and he considered it undesirable and unnecessary to prolong the period beyond fifty-six days; he must, therefore, oppose the Proviso.

Colonel ESTCOURT said, he would not divide the Committee, and the Proviso was withdrawn.

Mr. MILNER GIBSON said, that in moving the Proviso he held in his hand he was not going to say a word about morals, because he knew that in these matters these considerations were generally put aside, though he had heard it said that it was unwise to place young men in beerhouses during the whole of the time when they were not occupied in training. If the training was to go on for fifty-six days, he doubted whether the country would think this arrangement likely to improve the morals of these young men. But he would not dwell on morals, as he knew they were not taken into military consideration; and he would merely point out the injustice of the regulation to the class who would be most affected by it. If a militia was considered necessary by the country, he must say that the country ought to be at the expense of finding a proper place for them. If the Government wanted to make these young men soldiers, why not encamp them under tents on some dry common? To be obliged to provide accommodation for them, was regarded as a great grievance by the publicans generally. It might be said that they had a monopoly, but they had no monopoly but that given them by their licence, for which they paid a high price. At all events there was no monopoly as far as the beerhouses were concerned, and he hoped the Government would take the matter into their favourable consideration.

Amendment proposed—

"At the end of the Clause, to add the following words:—'Provided that notwithstanding any thing contained in the said first-recited Act, or any other Act, no Officer, Non-commissioned Officer, Drummer, or Private Man, serving in the Militia, when called out for the purpose of training and exercise, shall be quartered or billeted in any inn, livery stable, alehouse, victualling house, or in any house of any person selling brandy, strong waters, spirits, beer, cyder, wine or metheglin, by retail, without the consent of the respective occupiers thereof."

Mr. BERESFORD said, the custom had ever been that licensed victuallers, who possessed a decided advantage and a monopoly in the exercise of their trade, should have troops billeted upon them. It was a mistake to suppose that soldiers were never billeted upon publicans except when on a march. They were often billeted upon them for weeks and months together; but the publicans took it in turn, and the billeting was made as little burdensome as possible. All that was asked by this clause was, that the same regulations should be in force for billeting militiamen as for the regular Army.

Sir HARRY VERNEY said, he supported the Proviso. There were barracks which had cost the country enormous sums of money that were now entirely unoccupied, and that would form admirable places for the accommodation of the militia. Where there were no such barracks, he thought the men might encamp in tents, or might throw up huts, as the labourers did in constructing railways. This, he thought, would greatly promote the morality of the men, and he could not see any possible disadvantage in having recourse to such a practice.

Mr. BRIGHT said, his right hon. Friend and Colleague (Mr. M. Gibson) had had been applied to by the licensed victuallers to represent their feelings on this subject. It was absurd to say that any privilege conferred by a licence upon a public-house keeper was any equivalent for forcing militiamen upon them. He apprehended that the State had no more right to throw this burden upon the publicans than upon the grocers or the country gentlemen. He should like to know what the process was by which these billeted parties were apportioned on the publicans. He presumed the matter was in the hands of the billet-master. It was monstrous to suppose that publicans derived any benefit from the system of compulsorily billeting men upon them, because, in the majority of instances, the publican paid the penalty to get rid of the soldiers. He objected to the system because it was a departure from the contract principle upon which Government had always proceeded in providing for the military. He should therefore support the Proviso.

Captain BOLDERO denied that there was any surplus of barrack accommodation in the country. Within the last five-and-twenty years, the barracks at Colchester, Cheltenham, Yarmouth, and other places, had been converted to other purposes; and, in some instances, as in the case of Yarmouth, 140,000*l.* had been saved to the country by converting the fine barracks there into a lunatic asylum. But even if there were, it was to be recollected that every county was called upon to furnish its own quota of militia, so that the barracks might be in places where they were altogether useless. Then, with regard to encamping the men, the Committee must remember that they would be called out either before the hay harvest or in the fall of the year, and at both these seasons it was not particularly desirable that men should be placed under canvas. The billeting would be no great severity upon the public-house keeper, for the militiaman, after providing his food, would have 6*d.* or 7*d.* a day to spend, and in all probability it would be spent in the public-house.

The ATTORNEY GENERAL said, it was not correct to say that the keeper of a public-house had no monopoly: he had the valuable monopoly of being alone entitled to sell spirits by retail in less quantities than two gallons. The argument of hon. Gentlemen would go to doing away with billeting altogether; for if they were to have billeting at all, it was clear they must adhere to the ordinary course of billeting the men on public-houses, and he felt inclined the rather to recommend this, as the Committee had already expressed its opinion that it was not advisable to make distinctions between the militiamen and regular soldiers. The right hon. Mover of the Proviso had not suggested any feasible mode of lodging the militiamen in preference to that proposed by the Bill.

Mr. MILNER GIBSON said, it was not for him to make the suggestion, because he wished to get rid of the Bill altogether. The Government, however, ought not to shrink from proposing the expenditure necessary for the proper accommodation of the men they were about to raise. Besides, his Proviso only related to the period when the militia were called out for training and exercise, and not to the period when they might be embodied along with the regular troops. He again asked why country towns should be subject to the intolerable nuisance of having these raw young men—vagabonds of every description—["Oh, oh!"]—quartered upon them? Yes, he held they would be mere vagabonds, for it had already been admitted that nobody would enter who had anything better to do.

Mr. WALPOLE said, the Committee would not forget that only a few nights ago the right hon. Gentleman attempted to force the use of the ballot upon the Government, and now he was trying to put the country to a great additional expense in lodging these men, so that the right hon. Gentleman, in his eagerness to oppose the Bill, had been betrayed into two great inconsistencies. With regard to the clause itself, he would remind the Committee that there were but three ways of providing for these men: either they must be accommodated in barracks, or they must be encamped, or they must be billeted in public-houses. Now it was shown that there was no surplus of barrack accommodation for the regular Army, and there was nothing in the Act to prevent them from being encamped where it was advisable; but where it was not, there was no remedy but they must be billeted on public-houses.

Mr. BRIGHT denied that there was any wish on their part to increase the expenditure; but what they said was, that the Government ought to deal with publicans, with regard to billeting, just as they did with the people from whom they bought arms. The greatest amount of ignorance respecting this Bill was shown by the Members of the Government who introduced it. The right hon. Gentleman the Home Secretary talked of the billeting not being in all cases imperative; but in the 94th Section of the 42 *Geo.* III., it was made imperative to billet, and monopoly had been pleaded for public-houses; but the hon. and learned Attorney General, with the ingenuity peculiar to his profession, had not said a word about beershops, which were equally liable, though nobody could say they had a monopoly.

The ATTORNEY GENERAL said, the hon. Member for Manchester, who talked so much of the ignorance of the Members of Government, was, doubtless, himself well informed. Now, would he show the Committee where beershops were referred to under the Act of 42 *Geo.* III.?

Mr. MILNER GIBSON: They are included under the class of houses that sell beer by retail.

The ATTORNEY GENERAL: No; I beg your pardon. [Mr. M. Gibson: I beg yours.] The term used is alehouses—a term well known in law. In point of fact, beershops had no existence at the time of the passing of this Act; so that hon. Gentlemen who charge the Government with ignorance, would do well themselves to understand the subject they speak of.

Colonel SIBTHORP could only say this, that he would rather have in his parish a dozen militiamen than one member of the Anti-Corn-Law League.

Mr. JOHN EVANS must admit that beershops were not included in this Bill. Still he could not understand why licensed victuallers, livery-stable keepers, and others were made liable. Suppose it were enacted that all the lawyers in a parish should find lodgings for the militia, or all the parsons and dissenting ministers, or all the bakers and grocers, everybody would see the monstrous nature of the proposition. He should vote in favour of the Proviso.

Sir GEORGE PECHELL was also in favour of the Proviso, as he had long been of opinion that there never was such an oppressed class as the licensed victuallers of this country.

Mr. WAKLEY said, all parties seemed to agree that these pet soldiers ought to be well accommodated. They, no doubt, required commodious dwellings and great conveniences, and he thought there could be no places so proper for them as the houses of the nobility. As Peers were exempted from the ballot, let them have the benefit of the billet. Many of the mansions of the nobility were very scantily occupied, and as they would have a militia, let them lodge the men in their houses. He thought it most unfair to fasten the militia on the publicans, whose burdens were sufficiently heavy already, and who, between the magistrates and the brewers, had a pretty hard time of it. It was highly improper that one particular class should be selected to bear a burden of this kind.

Mr. MILNER GIBSON wished to know whether there was any objection to the insertion of words to render it quite clear that beerhouse keepers would not be liable to be billeted upon? If it was intended to render them liable, let words be inserted to that effect. If not, let the matter be set at rest.

The ATTORNEY GENERAL replied, that if not liable under the old Act, they would not be under the present; and if, on the contrary, they were, they would be left in that position. This Act would not interfere with them.

Question put, "That those words be then added."

The Committee *divided*:—Ayes 54; Noes 105: Majority 51.

Clause *agreed to*.

Clause 22 (Provides for the number of days on which men would be liable to be subjected to drilling).

Mr. BRIGHT said, the right hon. Gentleman the Home Secretary, in introducing the Bill, alluded to his aversion to interrupt the course of regular industry throughout the country, and he led the House to believe that the number of days on which men would be required to serve under the Bill, would not, on the average, exceed twenty-one days in the year; but it would seem that the Government wished to fill up the blank with a larger number.

Mr. WALPOLE said, it was the intention of the Government to make the ordinary time of training twenty-one days; but it was proposed to insert a much larger figure in order to be prepared for any emergency.

Sir HARRY VERNEY: Did the right hon. Gentleman mean to say that men could be made efficient soldiers by twenty-one days' drilling in a twelvemonth?

Mr. WALPOLE did not say anything of the kind. In fact, he believed that men to be trained as efficient soldiers would require about nine weeks' drilling in the year.

Clause *agreed to.*

Clause 23 (Providing that Lord Lieutenants of counties, with the approbation of the Secretary at War, might provide places for exercise).

Sir FRANCIS BARING said, the present mode of balloting was very expensive, and he believed it might be reduced considerably. Some of the expenses were charged in a manner different from the modern mode of charging. He did not expect the right hon. Gentleman the Home Secretary to look into all these variations at present, but he wished to obtain some information on one point, and that was the nature of the expenses which would fall on the county rate. This was a matter in which country gentlemen were interested, and he was somewhat surprised that they did not display some degree of interest on the subject. Had a simple project come from the late Government, no doubt they would have been overwhelmed with questions on the subject.

Mr. WALPOLE said, the Militia Act was an annual Act, and the whole of the payments were provided for in that Act. The payments for the men were charged on the country; but he believed the payment of clerks, parish constables, overseers, &c., in respect to the militia, devolved upon the counties. There was a schedule affixed to the Act, which he would hand over to the right hon. Gentleman in the course of the evening.

Sir JOHN TYRELL said, that the right hon. Baronet had been pleased to be facetious on the drowsiness of country Gentlemen; but the behaviour of country Gentleman, so unpleasant to hon. Members opposite, might be explained by the circumstance that there was now in existence a Government from which the country Gentlemen did not expect harsh measures, while the late Government had declared that they would do nothing which would have an alleviating effect in respect to those calamities of which the country Gentlemen complained.

Sir FRANCIS BARING said, it might be very consolatory to the hon. Baronet to think that the occupants of the Ministerial bench were men in whom he could confide; but he (Sir F. Baring) was afraid that his constituents — the payers of the county rates—would not feel much consolation in having the charges to be occasioned by this Bill imposed upon them. The late Government proposed to take care, in the Bill which they intended to bring in on the subject, not to let the expense of the militia fall upon the county rate. Now, he thought that it would have been more consolatory to the county ratepayers to have been benefited by such an enactment, than to reflect with the hon. Baronet that they had a Government for the country party, and to pay the heavy expenses that would be occasioned by this Act.

Sir JOHN TYRELL said, it perhaps might be unsatisfactory to the right hon. Gentleman that he had not had an opportunity of stating what that great boon which they intended offering to the country would have been. Whether the right hon. Gentleman meant to speak *omne ignotum pro magnifico*, he (Sir J. Tyrrell) did not know.

Lord DUDLEY STUART said, that although hon. Gentlemen opposite, the supporters of the Earl of Derby's Government, were so drowsy, foreign Governments were awake to what was going on in that House; and if hon. Gentlemen had looked into the newspapers that day, they must have seen in the intelligence from France a strong confirmation of the arguments used against the Militia Bill—namely, that if an increase was made in the forces of this country, other countries would make that an excuse for keeping up, and even increasing, their armies. A proposition had been made for increasing the French army by precisely the ominous number of 80,000 men; and one of the reasons assigned by the *rapporteur* of the Bill for keeping up the French army, was, that the British House of Commons had voted money for the organisation of a numerous militia. In the course of a short time it was probable the country would be called upon to increase the standing Army, in order to be in a condition to meet that enormous French army. The course now pursued was calculated to raise up danger which the country would afterwards have to provide against. Such a fact as he had stated ought to excite some reflection in the mind of even the sleepiest Member on the Ministerial benches.

Mr. NEWDEGATE wished to call the attention of the Committee to the admission of the right hon. Gentleman (Sir F. Baring) that if the late Government had passed a Militia Bill, the greater part of the expense would have been cast on the Consolidated Fund.

Sir FRANCIS BARING said, he had not stated anything of the kind. The charge would have fallen on the general revenue.

Mr. NEWDEGATE said, in that case, if the expense was likely to fall heavily on the county rates, country Gentlemen had a right to expect that the Members of the late Government would support them, if necessary, in transferring a portion of that expense to the general taxation of the country.

Lord SEYMOUR said, he objected to charges of this kind being thrown on the Consolidated Fund, because the opportunity of an annual revision of such charges was not afforded. If ball practice was required, it could not be carried out without considerable expense, and he should like to know whether it was to be charged on the county.

Mr. WALPOLE was understood to say that on looking into the annual Act he had considerable doubt whether such a charge would be thrown on the county or not, but a clause might be introduced into the annual Bill to settle the matter.

Clause *agreed to;* as was also Clause 24.

Clause 25 (So much of the said first-recited Act as authorises Her Majesty to order and direct the Militia, or any part thereof, to be drawn out and embodied in cases of rebellion and insurrection, shall be repealed).

Sir HARRY VERNEY wished to know what good reason existed for the proposed repeal. It appeared to him that every loyal subject would be quite as ready to assist in suppressing rebellion as in repelling foreign invasion; and in all probability, if invasion were ever attempted, it would be combined with an attempt at insurrection.

Mr. ORMSBY GORE could not understand why Her Majesty's right to call out the militia should be limited when disaffection and rebellion took place in the country. He recollected that when there was an insurrection in Ireland it was very much controlled by the appearance and activity of the natives of Dublin turning out in the shape of yeomanry. Insurrection was the very time when such a force as the militia was required, and he therefore hoped the Committee would take the question into serious consideration before they adopted this clause.

The CHANCELLOR of the EXCHEQUER said, no doubt the principle upon which the clause was framed was, that the princple of the Bill was confined to institute strictly a defensive force against foreign aggression; but as the hon. Baronet (Sir H. Verney) and other hon. Gentlemen disapproved of it, he would leave it for future consideration.

Mr. BRIGHT said, the right hon. Gentleman must not suppose because he (Mr. Bright) and his Friends had not risen to address the Committee, that they did not object to the withdrawal of this clause. With regard to Great Britain, there could be no kind of expectation that anything like disaffection was likely to prevail again. And, with regard to Ireland, he believed that that House might legislate in such a manner that there would be no more reason to apprehend insurrection in that country than in Great Britain. He was glad to hear the right hon. Gentleman last night express his disapproval of the arguments and policy of the hon. Member for North Warwickshire (Mr. Newdegate), and that at the same time he made an explanation of the speech of the right hon Gentleman the Home Secretary which gave a very different colour to it from that which it had had before. [*Cries of* "Question, question!"] They were upon the question of insurrection, and he was saying they might so legislate for Ireland as to prevent its recurrence there. Insurrections here had generally been in times of scarcity; and seeing that a scarcity of food had been provided against as much as it was in the power of the Legislature to do, he believed that those periods of discontent and incipient insurrection would not come on this country for the next fifty years from any such cause as had constantly led to them during the last forty years. He thought the right hon. Gentleman had done wisely in introducing this clause into the Bill, and if it were withdrawn, the Government would be departing from the ground and principle upon which the Bill was framed, and would not only make it more obnoxious than it was now, but would lay the Government open to the imputation that it was introduced on false pretences, passed through that House on grounds concealed, and palmed on the country, while the true reasons for its introduction were never fairly explained.

Mr. ORMSBY GORE thought the clause should be omitted. He had no idea of legislating on suspicions. They ought to legislate on what they considered to be the benefit of the country.

Mr. CHISHOLM ANSTEY considered the clause one of the good clauses in the Bill. If the clause were not adopted, the Government would be armed with an excuse for keeping up the militia long after the necessity for that force should have passed away.

Mr. NEWDEGATE said, the hon. Member for Manchester (Mr. Bright) was singularly unfortunate in his allusion to him (Mr. Newdegate), for he would remind the hon. Gentleman that the only two persons who had ventured publicly to recommend insurrection in case of invasion by way of inducing the Irish people to assist the invaders, was the Rev. Mr. Cahill and the Rev. Mr. Murray, two of the priests educated at Maynooth. He rejoiced to hear that the Government intended to reconsider this clause, for it was an exception to every Militia Bill this country had ever known.

Mr. ORMSBY GORE said, he had no objection to postpone his proposition for omitting the clause, on condition that he should not be prevented from opposing the clause ultimately. The principal argument of Earl Grey in favour of his Militia Bill in 1831 was in case of disaffection showing itself in the country.

Mr. J. EVANS said, there was a general feeling throughout the country that it was the intention of the Earl of Derby's Government to impose a duty on corn, and if it went forth that there was to be a force of 80,000 men officered by landed gentlemen, who were favourable to a change that was unfavourable to the body of the people, it would create very great alarm. He thought that this clause was perfectly consistent with the design of the Bill, and he therefore should support it.

Colonel GILPIN said, that the yeomanry were liable to be called out in the case of disturbance, and he thought there ought to be no distinction between the militia and the yeomanry in this respect. The old militia had rendered good service during former riots, and he did not think it would be right to cast a slur, by a clause like this, upon a force which they wished to make popular.

Sir JOSHUA WALMSLEY had no doubt the Government had given, as they stated, great attention to this clause, as well as all the other clauses of the Bill; and he hoped the right hon. Gentleman the Chancellor of the Exchequer would not consent to withdraw a clause which would alter the whole tenor of the Bill.

The CHANCELLOR of the EXCHEQUER said, that although the Government had certainly given this subject the best consideration that they thought it demanded, at the same time they were bound to listen to the opinions given on questions of detail by the Members of that House. It was not to be supposed, however matured the measure had originally been, that in matters of detail it was not capable of improvement; and in fact the object of going into Committee was to receive the benefit of the suggestions of hon. Gentlemen on both sides. He would express the determination of the Government not to press this clause on the present occasion, but to withdraw it for further consideration, in the hope that there would not now be any more discussion upon it, and that they would at once proceed to the other clauses.

Mr. MILNER GIBSON said, that the right hon. Gentleman, if he adhered to his first proposition, should have his support. There could be no doubt that if the right hon. Gentleman stood by his own clause, the Committee would not allow it to be rejected. Before he talked of deferring to the sense of the Committee by agreeing to the postponement of the clause, let the right hon. Gentleman first take the sense of the Committee whether it actually wished the clause to be postponed or not. The right hon. Home Secretary obtained the assent of the House to the principle of the Bill, by representing that it was to be looked at as strictly and exclusively a defensive measure, and in no way intended for internal purposes. The Government had put forward this Bill with sham pretexts; and now they were about to withdraw this restriction in the same way as they had withdrawn the proposal for enfranchising the militia, which had been intended to soften the unpopularity of the Bill.

Sir JOHN TYRELL said, the noble Lord the Member for Marylebone (Lord D. Stuart) had stated that an addition of 80,000 had been made to the French army in consequence of the measure that was now before the English Parliament. That, he thought, was the best compliment that had yet been paid to the militia. He was surprised to hear the statement of the President of the Reform Association (Sir J. Walmsley), that nothing would cause him so much regret and so much lamentation as anything that would have the effect of depreciating or deteriorating the value of this measure. With regard to calling out the militia to suppress riots, it was well known that the manufacturers of Manchester were always most anxious for the presence of troops during any disturbance.

Sir JOSHUA WALMSLEY said, he must protest against the hon. Member for North Essex putting words into his mouth that he had not used.

Sir JOHN TYRELL rose to order. The hon. Gentleman would perhaps be kind enough to state what words he had "put into his mouth."

Sir JOSHUA WALMSLEY: The hon. Baronet says I spoke of the merits of the Bill. I think it has many demerits, but I never allowed that it had any merits at all.

Sir JOHN TYRELL: The hon. Gentleman said he would lament anything that would depreciate the measure, and that this Amendment would have that effect. The hon. Member has plenty of prompters.

Mr. HEYWORTH said, that the use of the armies on the Continent was to put down the liberties of the people; and there would be a natural impression that the proposed force would be employed for a similar purpose in England.

Mr. G. THOMPSON would put it to Her Majesty's Government, whether it would not be a breach of faith, and a departure from what had been said at the introduction of the Bill, if the Government did not firmly resist the withdrawal of the clause? All through the discussion, attention had been rather directed to circumstances external to this country, than to the formation of an army of reserve. If the Government wished to be consistent, they would resist the postponement of this clause, or any alteration in it. They would consult their own integrity and good faith, and their credit with the country by doing so.

Sir FRANCIS BARING said, he should vote for the postponement of the clause, in the hope that the result of the Government's consideration would be to withdraw it. He saw no reason in the world why, if there was any domestic convulsion, the militia should not be called out, because nothing was more likely to produce the danger of invasion than some domestic convulsion. The old Militia Law gave the Crown the power, by Order in Council, to call out the militia in the event of internal disturbances; and if this clause was not struck out, the position of the country would be weakened, instead of strengthened, by the present Bill.

Motion made, and Question put, "That the Clause be postponed."

The Committee *divided*:—Ayes 200; Noes 61: Majority 139.

Clause *postponed*. Clauses 26 and 27 *agreed to*.

Clause 28.

Mr. BRIGHT said, this clause involved very important considerations, and would require much discussion. It would be better for the Committee not to proceed further till they heard the conclusion of the Government as to the clause that had been postponed, which, if omitted, would entirely alter the character of the Bill. This Clause 28 involved all the clauses of the 42 *Geo.* III., nearly 150 in number, and many of which were inconsistent with the clauses in this Bill. He appealed to the right hon. Home Secretary whether there had been any attempt on that side unfairly to delay the progress of the Bill. Most of the suggestions had come from friends and not from opponents of the measure.

The CHANCELLOR of the EXCHEQUER said, he did not think the hon. Member had made out a case for reporting progress. The Government did not wish to keep the House in suspense as to the postponed clause, and he hoped to communicate their opinion on it to-morrow. As the night was still young—and the House fresh, he hoped they should be allowed to proceed, so as to finish the Bill in good time to-morrow.

Mr. BRIGHT said, he must press for the postponement of the 28th Clause; but he would offer no opposition to the remaining four clauses. In making this proposal, it could not be considered that he was acting unfairly.

The CHANCELLOR OF THE EXCHEQUER said, he would accede to the hon. Member's request, on condition that the Government might propose amendments in the clause to-night.

MR. WALPOLE said, as so many doubts had been started as to whether the clause would not act cumulatively in reference to the 42 *Geo.* III., he should introduce an Amendment to meet that difficulty, as well as a Proviso that the Bill should not come into operation before the time already agreed on. He now begged to lay them on the table.

Clause *postponed.* Clauses 29 to 32 inclusive, were *agreed to.*

House resumed:—Committee report progress.

APPREHENSION OF DESERTERS FROM FOREIGN SHIPS BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be read a Third Time."

MR. CHISHOLM ANSTEY said, he was sorry to find that although he had understood that the Government had agreed to all the important Amendments to this Bill which were proposed on the second reading, the third clause still remained. By it every person who harboured or concealed a deserter from a foreign ship, was liable to a penalty of 10*l.*, to be imposed at the discretion of the justices. Now, under this clause, taken in connexion with the second, if a fugitive American slave were harboured in any of our ports, the United States Consul there might demand his extradition, not on the ground that he was a slave, but that he had deserted from some American ship, on which he had at a former time been entered. And in that case, if the Bill as it now stood were passed, not only must the slave be given up, but any captain who took him on board his ship, or any householder who received him in his house, would be liable to a penalty of 10*l.* for harbouring a deserter. It would be next to impossible for our captains who employed American seamen in any of our ports to know whether they were employing American deserters or not; nor, if they offended unwittingly in this respect, would they be able to plead the defences which would be good under the Mercantile Act, for that measure did not extend to such cases. What should have been done was, to have extended the provisions of that Act to the case of foreign seamen. Thinking, moreover, that too much power was given by this Bill to the Orders of the Queen in Council, and that we had already gone too far in sanctioning the principle of extradition, he thought he was justified in recording his opposition both to the principle and the details of this Bill, by moving that it should be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Three Months."

Question proposed, "That the word 'now' stand part of the Question."

MR. HENLEY said, that he had engaged to remove from the Bill all the provisions which rendered it applicable to any but merchant seamen deserting from foreign ships, and he believed that he had entirely fulfilled that engagement. The clause relating to the harbouring of deserters was merely an extension to foreign seamen of the same provisions as were already in force with respect to English seamen. The Bill could have no application whatever to the case of slaves.

LORD DUDLEY STUART said, that he objected to the principle of this Bill, for which he could not see the least necessity. Not only were there no petitions in its favour, but there were many against it; and although there were in that House many representatives of mercantile and shipping constituencies, he had not heard from them that this measure was at all requisite to meet the exigencies of British trade in foreign countries. Under this Bill great injustice might be done, and he would tell the Government that although they might carry it by numbers, they could not say that they had advanced even one single plausible argument in its favour.

Amendment, by leave, *withdrawn;*—Main Question put, and *agreed to.*

Bill read 3°.

MAYNOOTH COLLEGE.

Order read, for resuming the further Proceeding on Amendment proposed to be made to Question [19th May], "That the Debate on Amendment proposed to be made to Question [11th May], 'That a Select Committee be appointed, to inquire into the system of Education carried on at the College of Maynooth:'—(*Mr. Spooner:*)—And which Amendment was to leave out from the word 'That' to the end of the Question, in order to add the words 'this House will resolve itself into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes—(*Mr. Anstey*)—instead thereof,'—be adjourned till Wednesday the 16th day of June next:"—And which Amendment was to leave out the words "Wednesday the 16th day of June next," in order to insert the words "Wednesday next," instead thereof:—Question again proposed, "That the words 'Wednesday the 16th day of June next' stand part of the Question."

Further Proceeding *resumed.*

MR. REYNOLDS objected to the postponement of the question to the 16th of June. The Motion had been introduced by the hon. Member for North Warwickshire (Mr. Spooner) in a speech—but he could scarcely call it a speech, because it was principally composed of extracts from certain works which had reference, he believed, to the Catholic religion. The speech delivered by the hon. Gentleman was a speech which, in his (Mr. Reynolds') judgment—and he spoke as a Roman Catholic Member of the House—was calculated to insult the whole Catholic body. It appeared to him to be a speech of unadulterated, malignant bigotry, and in the manner of the delivery, as well as the matter, was extremely offensive. When Gentlemen over the way were exhibiting symptoms of impatience, he begged to remind them that they had heard all the libels and filthy and abominable calumnies contained in that speech, not only with patience, but with smiles of approval. He had hoped that the discussion would have terminated on that day, or that night, or that morning, because if it had, he believed it would have terminated in affirming the Motion of the hon. Gentleman the Member for North Warwickshire; but it suited the taste of Her Majesty's Secretary of State for the Home Department to make a long speech upon that occasion, which he could only characterise as a No-Popery speech. Since then the House had been addressed by the right hon. Gentleman who had the honour to be the leader of the House, Her Majesty's Chancellor of the Exchequer, who threw the shield of his protection over the Secretary of State for the Home Department, and declared that he meant no offence against the Catholics of that House or against the Catholics of the United Kingdom. He (Mr. Reynolds) took it for granted that the Chancellor of the Exchequer understood the right hon. Gentleman better than he (Mr. Reynolds) did, because the construction he put on the speech of that high official functionary was this—that the country demanded an inquiry—that it would not be safe for the Government to refuse that inquiry—and that they should go with the current of public opinion. But the right hon. Gentleman went much further; he referred to what he called the conduct of the Catholic clergy and bishops since the year 1845, when this House affirmed the proposition of a great and liberal and enlightened statesman now deceased (Sir Robert Peel). The right hon. Gentleman said, on that occasion, that he doubted whether faith had been kept with that House by the Catholic authorities of Ireland; but he (Mr. Reynolds) would remind the House that the charge, if it were a charge, was not brought by the mover of this proposal, of their being any violation of the compact—if it were a compact, and he (Mr. Reynolds) denied that it was—of 1845. The hon. Mover of the Resolution referred to various matters connected with Catholic discipline, and entertained some, disgusted others, and pandered to the bigotry of a few, by reading several pages, or extracts of pages, headed "Instructions for the Confessional." Now, he (Mr. Reynolds) would remind the House that that was a matter with which the grant had nothing to do. He understood the grant to have been made for the education of Catholic ecclesiastics, according to the practice of the Catholic religion. But what was the Motion? "To inquire into the system of Education pursued at the College of Maynooth." He would remind the House that in the year 1827 a Royal Commission was appointed for that distinct and specific purpose. Seven Royal Commissioners were appointed for the purpose of inquiring into the system of education at that college, and at the head of that Commission was Mr. Frankland Lewis. The Commissioners proceeded to Ireland, in the fulfilment of their mission, and made an inquiry at Maynooth, which was spread over the space of two months. They examined every man connected with the college, from the highest professor to the humblest student, and they adjourned from the college to the city of Dublin, and continued their inquiries there. The evidence taken before them, together with the report they made, namely, the Eighth Report of the Commissioners of Education of Inquiry, was to be found in the library of the House, and was spread over 486 folio pages. ["Question!"] The hon. Gentleman the Member for Salford (Mr. Brotherton) cried "Question!" he (Mr. Reynolds) did not hear him cry "Question" before he changed sides; but he had heard him often and often, and sometimes with pain, cry "Question" when he desired to cut short any hon. Member who was endeavouring to vindicate Irish liberties. If they agreed to the postponement to the 16th of June, the debate was not likely to come on on that day, because it was likely that Parliament would be dissolved before that day. ["No, no!"] Hon. Gentlemen might have better official information than he possessed. The hon. Gentleman—and he might call him also gallant—the Member for Ennis, said "No!" — [The O'GORMAN MAHON: No, no; decidedly not.] And he might be in the political baby-house, and might know of the intentions of Her Majesty's Government better than he (Mr. Reynolds) could pretend to know them. ["Question!"] The hon. Gentleman cried "Question!" and he (Mr. Reynolds) was speaking to the question. He believed that House would cease to exist before the time fixed, and he was desirous that the calumnies uttered against his creed and his country should not remain unanswered until it was impossible to answer them. [*Laughter.*] He was delighted to find that the loudest cheerers of that which was probably construed to be an Irish bull, were Gentlemen who had been born and reared in the same country. But, he would ask, was it fair towards him and those of his creed to ask for this debate to be adjourned until the 16th of June, believing that this Parliament would not be in existence on that day? Let it not be supposed that he shrunk from this inquiry. He believed there was nothing connected with the system of education at Maynooth, that the Catholic bishops, and clergy, and the Catholic people of Ireland, had a right to be ashamed of. They challenged inquiry, for they believed that inquiry must result to the advantage and honour of the college. But they believed inquiry was not the object of the Motion. They believed that party feeling was at the bottom of the Motion—that, because hon. Gentlemen opposite had failed in raising the cry of "Protection" for human food, they had raised the cry of "No Popery, and the College of Maynooth." He believed they had done so; and he founded his belief on the fact that on the 10th of February last a notice of Motion was given to withdraw the grant, and that that Motion had been pared down and reduced to an inquiry into the system of education pursued in the College of Maynooth. The hon. Member for North Warwickshire was stated to be ill, owing to an accident; but why was he not here? He understood the hon. Member had been the victim of a cab establishment. He understood that the hon. Member had been run over by a cab, and some persons had been sufficiently ill-natured to say that he had been run over by an Irish cabman. But if he was sufficiently well, he ought to be in his place, because he had a great deal to answer for; he had to answer for opening wounds well-nigh closed, and for propagating feelings of ill-will, discord, and disunion among Christians of all denominations in this country, of which they surely had had enough last year. He was supporting the Motion that the question should be gone into on Wednesday next, and not on Wednesday the 16th June. He might be told that next Wednesday was the Derby-day; but he considered that the settlement of a question of this kind was of vast deal more importance than horse-racing. Therefore, if Gentlemen were in earnest, let them settle this question next Wednesday, or even to-night; but let them not be told that it should be brought forward on the 16th of June, when the parties promising it had not the shadow of an intention to bring it forward on that day. In conclusion, he would say that the Catholic bishops of Ireland were unanimously of opinion that they had nothing to fear from any inquiry that House might institute; but they totally denied that the House of Commons had any right to meddle with their system of instruction, and declared that they would never permit Parliament, directly or indirectly, to dictate to them as to the manner which might suit their ideas to educate the youth intrusted to their charge. He might say, as an individual, that whenever the proposal should be made to withdraw the Maynooth grant, he should vote for it upon one condition, and one only, namely, that every grant made by the State for the support of any particular religion or sect should be withdrawn also, and that they should abolish the temporalities of the Protestant Church in Ireland. Give them all a clear stage and no favour; then, and not till then, would he ever consent to vote for the Motion of the hon. Member for North Warwickshire.

MR. M. J. O'CONNELL would confine himself to the question whether it was not advantageous that this matter should be brought to a close in a fair manner and as speedily as possible. Did any man believe, if the inquiry were to be postponed till the 16th of June, that it could be brought on at all this Session? Next Wednesday was certainly an unfortunate day to be fixed on, being the Derby-day; but he would prefer even discussing the question on that day rather than postpone it to the 16th of June. Nay, he would rather than that there should be any delay, have the matter brought forward on a Saturday. It must have been the impression of the House that the speech of the right hon. Gentleman the Secretary of State for the Home Department was in favour of the views of the mover of the original Motion; after that came the speech of the Chancellor of the Exchequer, modifying that impression. Probably at some civic feast they would have a speech from the Prime Minister himself, in which he would comment on and correct the opinions of his two Colleagues; so that the Government would formally go to the country on these three explanations on the important subject of the Maynooth Grant. This was an unfair state of things, especially to Ireland, where he was above all things anxious that the spirit of religious warfare should not be revived. If in this country political rivalry drove men to extremities, what must be the destructive consequences of political and religious rivalries combined in Ireland? He was anxious that the House should meet on this question upon Christian grounds and as Christian brethren. He thought a Parliamentary Committee was not the mode for conducting an inquiry of this nature; still less did he think that the Committee proposed by the hon. Member (Mr. Spooner) was calculated to produce any good; on the contrary, he believed it would produce much mischief, by introducing the *odium theologicum* into the question.

The O'GORMAN MAHON observed, that the House, which had been listening to the hon. Member (Mr. Reynolds), who had been rambling over all manner of subjects, would do well to revert to the question before it. When he suggested that to the hon. Member (Mr. Reynolds), they all saw how he turned on him; and if he (The O'Gorman Mahon) was not endowed —as, thank God, he was—with an exceedingly complaisant temperament, and a large fund of good humour, which enabled him to endure every outrage—and the House would agree with him that these combinations were much required—he did not know how he could have borne with the hon. Member's conduct; though, to be sure, his outrage was mitigated by the grace of his manner, the elegance of his language, the courtesy of his phrases, and the charms of a *toute ensemble* which would almost reconcile one to the reception of a wrong done with such good breeding, so much eloquence, and so much courtesy; and but for which the Speaker would have been the first to call him to order. However, the hon. Member had enjoyed and would continue to enjoy impunity so far as he (The O'Gorman Mahon) was concerned. As to the question before the House, he must first say he could not join in the sentiments which had been expressed with regard to the hon. Member who had introduced it; for he could not forget that when the hon. Member (Mr. Reynolds), and others, were ignorant of the feelings of English gentlemen, and while he (The O'Gorman Mahon), and a few Roman Catholic gentlemen, were struggling for their rights, the hon. Member (Mr. Spooner) had always been a stanch advocate on their side, and had supported emancipation. His present course was not inconsistent; he believed that certain doctrines were taught at Maynooth, and he desired an inquiry. To that, he thought they could not object. Though he (The O'Gorman Mahon) was educated in a Jesuit college, he must say he never had heard of such doctrines; and he had no hesitation in saying, if they were circulated at Maynooth, it was an establishment fitter to raise a priesthood for such cities as Sodom and Gomorrah, rather than for a Roman Catholic people. If such doctrines were taught, the sooner so vile a system was exposed, the better; if not, the sooner the falsehood was exposed, the better too. He wished to bring the question to a speedy issue, and therefore he would support the Amendment. Let them be treated with candour by the British Parliament, and let them have a fair investigation and an immediate decision.

MR. H. HERBERT appealed to the hon. Member (Mr. Newdegate), as an English gentleman, to say what good purpose he could gain by keeping the question open? It was evident that it could not be disposed of in the present Parliament. He knew, from his character, that he (Mr. Newdegate) would scout with indignation the notion of keeping such a question in suspense for the purposes of party, or to serve for a cry at the elections.

MR. NEWDEGATE hoped that the House would allow him to answer the question of the hon. Member. The position of the question was this: whether the House would express an opinion on the necessity of inquiring into the system of education at Maynooth? A great body of the public was anxious to know if the House would, by a Resolution, declare whether they considered there was a necessity or not for an inquiry. He had not the least wish to postpone the solution of that question; and he was desirous of having a time fixed for renewing and concluding the discussion. But he and other hon. Members who took an interest in the question were bound to see, when the question came on for discussion, that it should come on upon a day when there would be a full House, not upon a day when there would be a scanty attendance, or the chance of a thin division. Acting in the spirit of fair play to the hon. Member whom he represented, and to all parties, he was bound to see that the discussion took place in a full House. He had no objection to Wednesday next beyond the circumstance of its being a day not usually devoted to discussion. It was that reason which had led him to fix the subject for the 16th June. He was well assured Parliament would not separate until that day, and he felt confident there would be a full discussion and a corresponding division. He could assure the House his only desire was to see that the question received no unfair play. That was the reason of fixing upon the 16th June.

Mr. GLADSTONE was glad the hon. Member had responded to the appeal, though he could not say he was satisfied with his answer. No men were more interested in the rejection of the Motion than the hon. Member and those who acted with him. What was his reason for postponing the debate to the 16th June? Because he wanted the discussion to take place in a full House, and would not take Wednesday next. The hon. Member spoke as if Wednesday next was the only available day. He trusted that under no circumstances would the House consent to adjourn the debate to the 16th June; for, if they did, they would agree with what would go far to render the character of the House ridiculous. The Motion for such a postponement raised a question, not as to the sincerity of the mover, but as to the reality of his objects. Was it possible that he could think it consistent with the dignity of the House, and the respect they owed to the feelings of all classes of the people, that on a matter deeply involving their interests it should be proposed that the House should assent to a Committee of Inquiry on a day which every one believed was not more than ten days or a fortnight before a dissolution of the Parliament. The hon. Gentleman had one of two courses open to him. He really wished that this inquiry should go on, or he did not; and he (Mr. Gladstone) was really doubtful, after what had occurred, whether the hon. Gentleman did wish for it. When first it had been brought forward, he (Mr. Gladstone) believed it to be a *bonâ fide* Motion; he expressed his opinions upon it with that feeling—knowing, too, that the question was one of the most serious character: if it was not a *bonâ fide* Motion, let it be discharged; but if it was made *bonâ fide*, it was their duty to find a day for it. The hon. Gentleman said there was a difficulty in finding a day upon which they could renew the discussion; but he (Mr. Gladstone) wanted to know when there was ever found a difficulty in discovering a day for the solution of a great question, upon which the feeling of the country was thoroughly aroused, and which occupied the most prominent position in the minds of almost every constituency throughout England. Upon such a question as this, was the House and the country to be told that no day could be found for its discussion? We were now probably within a month of the end of Parliament; and what had been the uniform practice of the House towards the close of the Session? Why, that about six weeks before that period they began to meet at twelve o'clock in the day, and met also on Saturdays. [Mr. Newdegate: Will you move that we do so now?] It was for the hon. Member to point out the course he would take, which was one of two things: either to consent to drop his Motion, and to agree that the order should be discharged; or, if he wished—as he (Mr. Gladstone) wished—that the inquiry should proceed, then let the hon. Gentleman simply ask the House to meet either on a Saturday or on Tuesday next at twelve o'clock; and when the House had refused that request, let him talk of the "difficulty" of finding a day for renewing this debate. The House would be rendered contemptible in the eyes of the country if they attempted to escape by such pretexts from coming to a decision upon this important question.

Colonel GILPIN said, it was not the

fault of the hon. Member for North Warwickshire that he was unable to fix an earlier day for this discussion. The right hon. Gentleman the Chancellor of the Exchequer had stated that he was quite unable to give a Government day, suggesting, however, that a Tuesday might be fixed; but it was perfectly clear that it would be useless to appoint Wednesday next, when there was sure to be a thin attendance.

Mr. KEOGH said, the hon. Gentleman appeared to have misunderstood the observations of the right hon. Gentleman the Member for the University of Oxford. That right hon. Gentleman had not proposed that the House should meet on Wednesday next to discuss this question; on the contrary, he was as well aware as any hon. Member in the House of the absurdity of their meeting to discuss the question on the day proposed by the hon. Member for Youghal (Mr. C. Anstey). He observed numerous ambassadors from different parts of the House were recommending various courses to the hon. Member for North Warwickshire. They were now at the close of a moribund Parliament, without having come to any decision upon a Motion which was put upon the books at the commencement of the Session. They were now in the penultimate month of the Session, having discussed only one night a question which had been two months before the House, and in which the country took the deepest interest. What the right hon. Gentleman for the University of Oxford had suggested was, that they should meet to discuss this question at a morning sitting. If the hon. Member for North Warwickshire was really anxious to have the question fully discussed, let him not propose to discuss it three or four days before the dissolution of Parliament. Even if the House should, on the 16th of June, consent to grant a Committee, the selection of the hon. Gentlemen who should compose that Committee, must necessarily give rise to considerable discussion. Let the hon. Member throw off the mask. Let him not fancy that he could delude the country by proposing to have a discussion when no real discussion could take place; but let him adopt the suggestion of the right hon. Member (Mr. Gladstone), and ask the House to consent to a morning sitting. Let him ask the House to sit upon Saturday. Let them, after all the shuffling which had taken place on the other side of the House, really name some early day on which the question could be fully discussed, so that they might arrive at a satisfactory conclusion; but he believed in his conscience that nine-tenths of hon. Members wanted to escape from any conclusion at all.

Mr. WALPOLE thought it was of very great importance that the House should come to some practical decision on this question. He quite agreed with the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that if the discussion were postponed until the 16th of June the proposed inquiry would be rendered entirely futile; but he also thought that the other day which had been suggested, namely, Wednesday next, would, for reasons which were apparent, render it much more futile, since it could not be expected that any serious discussion would take place on that day. What was the House to do, then? They were nearly approaching the end of the Session; all agreed that a practical decision should be come to, and all agreed that no practical conclusion could be come to if the discussion were postponed until a few days before the Parliament was dissolved. In this position only two courses seemed open. The one was, either to discharge the order altogether, or to move the adjournment of the debate to the next day, for the purpose of giving the hon. Member for North Warwickshire an opportunity of considering what morning or what day he could select. [An Hon. Member: No, no; fix a day.] As far as he (Mr. Walpole) was concerned, he had not the slightest objection that the hon. Member should fix a day, and he should be the last person in the world to wish that any further discussion on the Motion should be entirely prevented, because he saw that the opponents of the Motion were desirous of addressing some observations to the House upon the subject. He would take this opportunity of saying that his (Mr. Walpole's) speech on this question a few evenings since had been very much misrepresented, and he was convinced that those who heard it would not put upon it the construction which some hon. Members had given it. The right hon. Gentleman the Chancellor of the Exchequer had correctly described the construction to be put upon it. He thought a day ought to be appointed for the renewal of the debate, and the earlier the day the better it would be.

Sir BENJAMIN HALL hoped the hon. and learned Gentleman behind him (Mr. Anstey) would withdraw his Motion for resuming the debate on Wednesday next. It was very clear now, that the whole matter as regarded the choice of the day rested with the hon. Gentleman opposite (Mr. Newdegate); and he thought the very earliest possible day ought to be named. If the hon. Gentleman did not accept now the offer—for it was an offer—made by the right hon. Gentleman the Secretary of State for the Home Department, it would be said that there were two great questions upon which hon. Gentlemen opposite proposed to make their appeals at the hustings—one the question of Protection, and the other that of the Maynooth grant. The one they had thrown over; the other they evidently desired to postpone. As far as they (the Opposition) could prevent that postponement they would do so, encouraged as they were by the right hon. Gentleman (Mr. Walpole). The Chancellor of the Exchequer said the other day in that House that he had no intention to withdraw the grant to Maynooth; but the walls of Liverpool were placarded with the declaration of one of the Members of the present Government that he was prepared to vote for the withdrawal of the grant to Maynooth.

Sir JOHN TYRELL said, he did not shrink from the opinion he had expressed privately to his hon. Friend (Mr. Newdegate) that it was most important an early day should be fixed for resuming the debate. As this view also met with the concurrence of the Government, he hoped his hon. Friend would propose to resume the debate on Tuesday next, at 12 o'clock. He would only say, in conclusion, to hon. Members opsosite (the Irish Roman Catholic Members), that if it had not been for the unfortunate Papal aggression he believed hon. Gentlemen would not have heard of this Motion.

Mr. GOOLD thought the Motion of the hon. Member for North Warwickshire not so unfortunate as his speech. He believed that the proposed inquiry into the system of education at Maynooth would raise a bad feeling and ill will in Ireland, and the question ought therefore to be decided at once.

Mr. FORBES moved that the adjourned debate upon the grant to Maynooth be resumed on Tuesday next, at 12 o'clock.

Mr. CHISHOLM ANSTEY consented to withdraw his Amendment.

Mr. NEWDEGATE expressed his concurrence in the adjournment of the debate to Tuesday next, at 12 o'clock.

Amendment and Motion, by leave, *withdrawn;*—Debate *further adjourned* till *Tuesday* next at 12 o'clock.

METROPOLITAN BURIALS.

Lord JOHN MANNERS moved for leave to bring in a Bill to amend the laws concerning the Burial of the Dead in the Metropolis. At that late hour of the night he would not enter into any details of the measure, but would merely say that it would provide, first, for the closing of the burial grounds within the metropolis, and secondly, for forming burial grounds beyond the metropolitan boundaries for the reception of the dead. At a future stage he would enter more fully into the details.

Mr. WAKLEY said, that as far as he could understand the Bill from the few words of explanation the noble Lord had given, the present measure appeared to be the same as the one which had been so unsatisfactory in its results. He hoped full information would be given as to the nature and provisions of the Bill before any stage in it were taken.

Mr. STANFORD trusted that the Bill would be laid on the table at a time when a full explanation of the objects and details could be given and discussed.

Viscount EBRINGTON said, it was not to be denied that the evils of the present system of intramural interments were notorious, but they were not more so than when the late Government with so much confidence brought in the Bill. It was true, that Bill had failed; but it was to be regretted that a full explanation of the causes of the failure had never been given; but he hoped there would be an opportunity afforded in the consideration of the present Bill to have those causes fully stated and discussed. He must say that nothing could be more unsatisfactory than the conduct of the late Government in respect to that Bill.

Lord SEYMOUR said, he should be quite prepared when the subject came under discussion to defend the conduct of the late Government, so far as it related to the department with which he had been connected, in regard to the measure to which his noble Friend had alluded. That measure had failed without doubt, but it was because the Government were misled by the Board of Health. It was in consequence of reliance on their assurances that they could raise the money for carrying out the measure, when they had not the means of doing so. He hoped the

House would allow the Bill to be brought in, that it might be fairly considered.

Bill *ordered* to be brought in by Lord John Manners and Mr. Secretary Walpole.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 21, 1852.

MINUTES.] PUBLIC BILLS.—1ª Apprehension of Deserters from Foreign Ships; School Sites Acts Extension.

2ª Improvement of the Jurisdiction of Equity.

Reported.—Stock in Trade; Highway Rates.

3ª Ecclesiastical Jurisdiction; Protestant Dissenters.

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL—QUESTION.

LORD LYNDHURST rose to put a question to his noble and learned Friend on the woolsack respecting this Bill, which stood for a second reading that evening. The Bill was read a first time about a fortnight ago; but, by some accident or mistake, printed copies of the Bill, which contained sixty-five clauses, and treated of the most complicated subjects, were not delivered till late yesterday evening. It therefore appeared to him to be quite impossible for their Lordships to enter into a discussion of it that night. He understood, further, that his noble and learned Friend the Lord Chancellor, that very day had gone through the clauses of the Bill with the Master of the Rolls and the three other Equity Judges. Notwithstanding the great attention and skill which his noble and learned Friend had applied to the Bill, he thought that it was very likely that that consultation had resulted in the suggestion of some valuable alterations. He therefore suggested that the Bill should be read a second time that evening *pro formâ*, that it should then be printed with the Amendments, that it should then be referred to a Select Committee, and that any discussion on the Bill itself should be postponed until the Motion for going into a Committee of the House; the report of which would probably be presented early next week. He merely threw this out as a suggestion, and not as dictating to his noble and learned Friend the course which he ought to pursue.

The LORD CHANCELLOR said, that the course suggested by his noble and learned Friend was the very course which he had himself intended to ask the House to adopt. Having framed the Bill on the recommendation of the Commissioners, he had given up the whole of that day to going over it word by word with the Equity Judges—he meant the Master of the Rolls, the Lords Justices of Appeal, and the three Vice-Chancellors. They had made some alterations in the Bill as originally framed; but he believed they were now unanimous in opinion with respect to the Bill as it stood after those alterations. He proposed that the Bill should be read *pro formâ* that evening, and that it should then be referred to the same Select Committee to which the Bill for the Abolition of the Masters' Offices had been already referred. He intended that that Committee should meet on Monday next, and he hoped that his noble and learned Friend would be able to give them his valuable assistance. When the report on the Bill was received from the Committee, it would be competent for any noble Lord to raise a discussion upon it at that stage. He hoped, too, that the Bill would pass through that House in time to be passed into law during the present Session.

LORD TRURO had no objection to the course now proposed. As to the principle of the Bill, he believed that there was no dispute, but its details might become subject of discussion.

LORD LYNDHURST should be glad to see the Bill printed with the alterations. He had examined the Bill as printed, and found that its provisions substantially carried the recommendations of the Commissioners into effect.

SARDINIA.

EARL GRANVILLE wished to ask the noble Earl opposite, whether Her Majesty's Government had received any information with respect to the recent political changes in the Government in Sardinia? In so doing he wished entirely to disclaim any notion that it was the business of Her Majesty's Government, or of that House, to become the partisans of any party, or of any individual, in any foreign country. At the same time, so much interest had been manifested by the people of this country, firstly, with regard to the commercial relations which had been established on so satisfactory a footing between that country and this, and, secondly, with regard to the great constitutional experiment which was now going on there, that he hoped he should not be considered to be overstepping the proper limits, if he asked for some information on the subject. It was stated that the Marquess d'Azeglio had tendered his resignation to the King, and that he had since been commissioned by the King to re-form a Government. During the last few years that the Marquess d'Azeglio, who had acquired distinction as a soldier and as a political writer, had been at the head of a constitutional Government in Sardinia, the people of this country had observed with great satisfaction the progress which had been made, in the good order and material prosperity of that country. He thought that great advances had been made in a due appreciation of the advantages of religious toleration and commercial and civil liberty, as opposed to anything like the revolutionary licence which had taken place in other countries. He, therefore, hoped that, as all classes in this country took so great an interest in the prosperity of Sardinia, the noble Earl opposite would pardon his asking what was the nature of the latest information which he had received on the change of Government in that country?

The Earl of MALMESBURY: My Lords, the intelligence which my noble Friend has received with respect to the resignation of the Marquess d'Azeglio is perfectly correct; but I am sure your Lordships on both sides of the House will be glad to know that, on the 17th instant—a period subsequent to his resignation—he was sent for by his King, who asked him to resume the seals of office. His Majesty gave him a *carte blanche* to choose what Ministers he pleased to assist him; and, I believe, from a despatch that I have seen, that he has accepted the trust offered to him. I cannot sit down, my Lords, without expressing, on the part of Her Majesty's Government, the great pleasure which this news has given us; because it is impossible on our part to refuse to the Marquess d'Azeglio that just meed of praise he so well deserves, for having conducted through three years of great difficulty and great danger, both within and without, the Government of that country on constitutional principles, which had been previously of great disrepute in that country, in a manner which had resulted in great prosperity. Her Majesty's Government should be sorry, indeed, to see so fair a promise marred by any events, whether those events came from without Sardinia, or from within its own territories. But I am in hopes, from the news which we have just heard upon the subject, that the Sovereign has given an earnest that he intends to continue in that constitutional course which was commenced not long ago in that country, and that undeterred by any unwise attempts to propagate the doctrines of constitutionalism in those countries which are neither ripe nor ready to accept them, he is prepared at all events to uphold them within his own dominions, and to give an example to other nations that there is one country at least, besides England, in Europe which can prosper under a constitutional government.

The MARQUESS of LANSDOWNE: My Lords, I have heard with the greatest satisfaction the statement of the noble Earl, although I am one of those who disapprove of any attempt in this House to pronounce directly or incidentally any opinion upon the conduct of foreign Governments in their internal affairs. Although I think that the utmost caution should be exercised with respect to this subject, I have nevertheless listened with the greatest pleasure to the statement of the noble Earl in reference to this illustrious person; but having had the advantage of longer opportunities than the noble Earl opposite, or than even my noble Friend near me (Earl Granville), of becoming cognisant of the disposition with which he has conducted the affairs of that country, and its relations with foreign countries, I wish to bear my testimony to the use which he has made of the great power which has been placed in his hands. Years have elapsed since we have seen an instance so strong as this statement has afforded of the efficacy of great judgment and great temper in restoring the strength of an apparently exhausted country, and bringing it back to that position in which it is entitled to command the affection of its own inhabitants, and the respect of Europe. It is an example to all countries of the effects produced by a happy combination of firmness and conciliation; it shows that by such means the interests of those whose interests a statesman is bound to attend to first have been promoted; and, secondly, that they have contributed to the preservation of the peace of Europe. I firmly believe that it is owing, in great measure, to the Marquess d'Azeglio's conduct that that peace has been so successfuly maintained. My Lords, I thought it my duty to say this, having for some years observed the conduct of that illustrious individual; and

I cordially concur both in what has fallen from my noble Friend, and the satisfactory answer given by the noble Earl opposite.

WARNER INVENTIONS.

The DUKE of WELLINGTON rose, in pursuance of notice, to move—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to give directions that there be laid before this House Copies or Extract of any Report made to the Master General of the Ordnance on the subject of the inventions of Mr. Warner."

His Grace proceeded to say: I have to apologise to your Lordships and to my noble Friend and relation opposite (Earl Talbot), that I was absent from the House on the 14th instant, when he made his Motion that a Select Committee be appointed to inquire into the Warner inventions, and the several reports connected therewith. By accident there was no House on the preceding Thursday, and I therefore was not aware of the Motion of my noble Friend until the day after he made it, and on that day, unfortunately, I could not attend. Had I been on that day in the House, my Lords, I should have represented to your Lordships that the subject into which my noble Friend desired that a Select Committee of your Lordships should be appointed to inquire, had been already under the consideration of the Crown in the office of the Master General of the Ordnance, in consequence, I believe, of an address from the House of Commons—at all events, I am certain, at the particular desire of the late Principal Minister of the Crown, Lord Melbourne—and, to my certain knowledge, under the Government of my late lamented Friend, Sir Robert Peel, and also of Lord John Russell. Under these circumstances, my Lords, I confess it appeared to me that the subject of these inventions, having been submitted to inquiry in the office of the Master General of the Ordnance, and that, too, being a subject of an entirely scientific nature, it was not exactly a fit subject for inquiry in your Lordships' House; more particularly as that inquiry, if it should terminate successfully to the views of the projector, must lead to the expenditure of very large sums of money. My Lords, with this inquiry are connected a great many money speculations on the part of persons who have advanced large sums to this gentleman in the hope that he may receive a large reward from the public for his inventions. If I had been in my place on the day on which my noble Friend made his Motion, I should have urged not only that this was not exactly a subject which the House of Lords ought to take under consideration, but also that your Lordships ought to have before you the proceedings on this subject which have already been taken under the direction of the Board of Ordnance; and it was my knowledge of those proceedings that induced me to give early notice of my intention to move that address to Her Majesty of which I have already given you the substance. I am well aware, my Lords, that Mr. Warner has undoubtedly objected to the competence of the officers appointed by the Master General of the Ordnance to make these inquiries, and particularly to the competence of my gallant Friend, Sir Howard Douglas. Indeed, I believe that my noble Friend and relation mentioned the objection of Mr. Warner to my gallant Friend when he made his Motion. Now, I beg leave to read to your Lordships a few words from a letter which Mr. Warner wrote to the Master General of the Ordnance, when he first heard that my gallant Friend was appointed a Member of the Commission. He says, "From what I have heard of Sir H. Douglas, I am highly gratified by the choice which the Government has made of this distinguished officer." My Lords, another officer appointed to act on that Commission, was Sir Edward Owen, an officer who had been oftentimes actively and successfully employed on the public service. That officer could not, however, act in that Commission, owing to some accidental services; but Sir Byam Martin did sit upon it, an officer well known to many of your Lordships, and than whom there was not a naval officer in the country more distinguished for his services, and more capable of coming to a just decision on this subject. I entreat you, my Lords, before you enter on this subject at all, and before you name this Committee, to see the reports made on it by the scientific officers of the Army and the Navy appointed by the Ordnance to consider whether it was expedient that these inventions, or alleged inventions, should be adopted for the service of Her Majesty.

The EARL of DERBY: My Lords, I am somewhat in the same position with the noble and gallant Duke who has made this Motion; for I also was absent from your Lordships' House upon the day that the Motion was made for referring to a Select Committee the inventions, or presumed inventions, of Captain Warner. And if I had conceived that the case was as the noble and gallant Duke appears to suppose it to be, I should have come to the same conclusion to which he has arrived, namely, that it is not expedient that your Lordships should enter upon a discussion of the merits of these inventions. My Lords, if it had been that this Committee were moved for as an appeal against the decision of very competent officers appointed by the highest authority to examine into and to report upon the evidence laid before them, then I should have felt as strongly as the noble Duke can do, that nothing could be more inconvenient than—without meaning any disrespect to your Lordships—to appeal from a more competent to a less competent authority, for the purpose of investigating the same facts which have been referred and inquired into already on this subject. And, my Lords, if this were a question upon an appeal for the purpose of obtaining a Parliamentary contradiction of the opinion expressed by the gallant officers who have been examined as to these inventions, I should have objected to such an inquiry. But I apprehend that the noble and gallant Duke is somewhat misinformed with regard to the intentions with which this Committee was asked for, and I am certain he is somewhat misinformed with regard to the intentions with which it was granted by your Lordships, on the recommendation of my noble Friend (the Earl of Malmesbury). My Lords, I believe that all the papers which are the subject of the address moved for by the noble and gallant Duke, have been already submitted to Parliament. There can, at all events, be no inconvenience in their production, if my noble and gallant Friend should think it is expedient to have them reprinted in the same form for presentation to this House, or to the Committee if it should be appointed.

The DUKE of WELLINGTON here made an observation which was not heard.

The EARL of DERBY: I am quite aware of the terms of the noble and gallant Duke's Motion; but, my Lords, I take the liberty to say that the noble and gallant Duke is still under a misapprehension, as I stated, both with regard to the subject of that inquiry, and the terms upon which that inquiry was asked for, and the House granted it. The fact is this, that Captain Warner alleges that he has invented two very important discoveries, one of which is known as the long range, and the other is the invention of an explosive substance, by which he professes to be enabled to produce very great effects. Now, my Lords, I do not pretend to express an opinion of the merits of either one or the other of these inventions. One of them—I mean that which is called the long range—has certainly had a fuller trial than the other, and has certainly been more unequivocally condemned by the parties who were employed to examine and report upon it. At the same time, there certainly were circumstances which Captain Warner alleges with regard to that trial, by which he was placed under difficulties and disadvantages that he could not control; but Captain Warner does not ask for another trial of a similar description of his new projectile. With regard to the other invention, there can be no doubt whatever that Captain Warner is possessed of the secret of a highly explosive power, which did produce very extraordinary effects upon the vessel to which it was applied. Now, the question as to how it was applied is totally separate from that of the existence of such an explosive power. How far it is capable of being applied to naval and military operations—how far it may be used for purposes of aggression or of defence—is a question wholly separate from the explosive power or substance itself, whatever it may be, which Captain Warner has invented. And there can be no doubt of this, because it was reported upon by all the officers to whom the invention was referred, that the destruction of a vessel which came in contact with this explosive substance, was more complete and more sudden than could have been produced by any explosive substance ordinarily made use of in warfare. But on all previous occasions, Captain Warner desired this: that an investigation should be made into the success of his operations, and that upon the report of the success of these operations, a large sum of money should be laid down, on the part of the public, without further explanation of the secret. Now, my Lords, this, I know, was the proposition which was made to the late Sir Robert Peel—and this proposition was rejected—and, as I think, most properly, by Her Majesty's then Government. Captain Warner now comes before your Lordships with a very different proposition. He has hitherto refused, except a large sum of money were previously paid down, to communicate either the secret of his composition, or the mode in which he proposed to apply it; but unless I am greatly misinformed with regard to the present proposition, the offer which is made upon Captain Warner's part, through the medium of the noble Earl behind me (Earl Talbot) is, that he is now prepared to go before a Committee without any promise or pledge, or even understanding held out upon the part of your Lordships with regard to any sum of money to be paid to him—that point was most distinctly, as I understand, insisted upon by my noble Friend the Secretary of State for Foreign Affairs—to lay before them the secret of his invention. Captain Warner desires, for the sake of his own character, and his own happiness, to have an opportunity of appearing before a Committee of your Lordships' House, before whom he is prepared to lay, as I understand, the whole secret of his composition and of his invention, and of explaining it to them, trusting to their honour as Peers of Parliament that which he never would explain to any person before, namely, the objects to which he conceives that his invention may be applied, and the mode in which he proposes to apply it. Now, when a gentleman, professing to be in possession of a most valuable secret, is desirous of explaining, fully and entirely, the whole of that secret before a Committee of your Lordships' House, and that, too, after a distinct declaration that the House, by granting a Committee, neither pledges itself to accept his secret, nor to give him any remuneration whatever, whether that secret be in their judgment a successful invention or not—I think, my Lords, that it would be a hard case that a gentleman, offering to make these disclosures, should not be allowed an opportunity of so doing. I think that that would have been a course hardly justifiable upon the part of those who are charged with the management of the affairs of this country, if they had refused to a gentleman that opportunity of fully explaining the whole of his system, of giving to a Committee of the House of Lords the fullest explanation with regard to all those details which he has hitherto kept a profound secret. My Lords, further than this I do not understand that your Lordships are pledged by the appointment of the Committee moved for by my noble Friend to any course with regard to this subject. Without at all desiring to look upon this Committee as an appeal from the decision of those officers who have examined into the experiments previously carried on, I think it is important to remark, that the Committee, as at present named, will consist of a large proportion of naval and military officers, of men who will be able to understand and appreciate those explanations which Captain Warner now volunteers to afford to the Committee. The evidence and the facts to be brought before them are such as never were brought before those gallant officers who have reported upon the experiment, and who, most properly, as I think, refused to recommend the Crown to grant a large sum of money upon the faith of experiments which had partially failed, but to a certain extent were successful, but the application of which to any practical purpose, military or naval, was never explained, nor agreed to be explained, upon the part of the inventor. My Lords, I hope I have succeeded in showing that there is a broad distinction between the proposition which is now made by Captain Warner and his former proposition; and I confess I think your Lordships will deal hardly upon this person, whatever may be the merits or demerits of his invention, if you refuse him an opportunity of giving that explanation which he is desirous of giving, and which your Lordships have undertaken to hear, without expressing any opinion in reference to the inventions.

The DUKE of WELLINGTON: My noble Friend is mistaken entirely as to the nature of the Committee or Commission appointed by the Ordnance to inquire into these inventions. But the first point of inquiry is this — Is there an invention at all? My Lords, I say it is not an invention; and I found myself on the opinion of the Commission. Next, I ask, is it efficient for service? Is it of such a nature as can be applied in the service? Can it be concocted and formed in our laboratories? Can it be carried with safety in our magazines afloat, or in our fourgons on land? These were all questions that were considered by the Committee under the Master General of the Ordnance. These, my Lords, are nice questions for the decision I think, of a committee of naval and military officers, and not of a Committee of your Lordships' House. I say that where a case of this description has been placed in the hands of the Executive Government, and has been under a committee of officers, under these circumstances your Lordships should refrain from interfering in it, and your Lordships would do well to consider the matter before you appoint the Committee. At all events, my Lords, I desire that this Committee should have all the reports which the Executive can give before it enters on the consideration of these inventions, if inventions they be.

The EARL of HARDWICKE perfectly concurred with the noble and gallant Duke as to the objects which ought to be contemplated in any inquiry of this kind—namely, the real nature of the various machines and substances suggested by the inventor, and, a point even more material, whether they were likely to become available for the purposes of war. It was for that very reason that the Select Committee had been appointed. In all the former efforts made to investigate the facts, and in every inquiry prosecuted by the military authorities of this country, they had been completely debarred from any chance of knowing anything about the machinery employed in the operations, or the chemical compounds. Mr. Warner was allowed an opportunity of exhibiting his novel experiments, and he said that if successful he should expect to be paid by a sum of money; but the question as to what the materials and the instruments were was completely withdrawn from every one of the Committees. The experiments instituted were successful in some cases, and unsuccessful in others. He was himself one of those sent down by the Government to witness the experiments, and would tell their Lordships what he saw and what he did not see. He did not see the machinery itself and the elements of the composition employed; but he had seen upon a sheet of water a boat built of oak, very strongly constructed, bound together by longitudinal and cross bulks of timber, put in motion and suddenly blown into atoms, so that not a particle of it was left. How was this done? Could any officer or other person who had witnessed the experiment declare? We had no evidence as to the mechanism or the compound; but Mr. Warner was now ready to come forward and state before the Committee how his machinery was contrived, and how his projectiles were filled. He could not help thinking that it would be both practicable and reasonable to supply from that House a Committee of naval and military authorities, on which the Master General of the Ordnance himself might sit, so that all the features of the case might be made intelligible to a Committee competent to form their own opinion upon it. And such a Committee might, moreover, when they had inventions before them, call scientific officers of the Army and Navy, and ask them whether such compounds were fit for application in war. He apprehended there would be nothing inconsistent in that House appointing such a Committee, which might have useful results, as Mr. Warner now consented to make revelations.

LORD MONTEAGLE said, that he was induced to rise as having been cognisant of what occurred between the Government of Lord Melbourne and Captain, or rather Mr. Warner (for he had no military rank), on the subject of his marvellous invisible shell, and as to his still more marvellous long range. Mr. Warner had at that period applied to himself, as Chancellor of the Exchequer, on the subject of his inventions; and, as he (Lord Monteagle) was not a military man, and knew but little of military affairs, he had referred him to his friend the late Sir H. Vivian, who was then Master General of the Ordnance. On seeing Sir H. Vivian a day or two afterwards, he asked him what he thought of Mr. Warner's invention? Sir H. Vivian intimated that Mr. Warner must be either an absurd enthusiast or insane, for on his asking Mr. Warner whether he could by his invention destroy the fortifications of Gibraltar, he replied that it would not only blow up the works of Gibraltar, but could blow up also the rock itself. Sir Hussey Vivian regarded the pretensions of Mr. Warner as absolute insanity, and said he could not give any encouragement to them. He had seen with astonishment on their Lordships' Minutes the entry showing the appointment of a Select Committee on this subject. So little had he anticipated the possibility of such a result, that he had not attended in his place when it came on for discussion: so destitute of sense did the proposal appear to him to be that he took for granted that Her Majesty's Government would stand between the public and a Motion so unjustifiable. A Select Committee of that House would not stand much comparison, as a tribunal for such purpose, with a scientific commission composed of such officers as Sir Howard Douglas, Sir Byam Martin, Captain Chads, and Sir E. Owen. Yet it was from such a scientific and professional commission that it was proposed to appeal. Besides, there was no case made out sufficient to take the decision on this question out of the responsibility of the Executive

Government, and to cast it upon a Parliamentary Committee moved for by a private Peer. He utterly denied that this question had been disposed of by the Select Committee of the House of Commons, merely on the money question; that House had decided that the alleged invention was either an absurdity or an impracticability. He held at that moment in his hand a letter from the late Sir Robert Peel on this subject, which showed that the matter was not disposed of on the ground of the money claims of Mr. Warner. It ran thus:—

> "Dear Sir Howard—I have read the speech you were good enough to send me. It is quite conclusive. I did not require such a demonstration of the *charlatanerie* of Mr. Warner. I deeply regret that so much valuable time has been thrown away on this man and his projects. Lord John Russell will, I trust, read your speech before the Committee himself.—Truly yours,
> "R. Peel."

Now this expression of opinion from Sir Robert Peel clearly showed that the objection made at that time was not on the question of the money reward Mr. Warner prayed for, but was based upon a conviction of the *charlatanerie* of Mr. Warner. He (Lord Monteagle) would also earnestly warn their Lordships against establishing by the appointment of this Committee what could not but prove a mischievous precedent. His official experience warned him that even the apparent countenance of the Government—the supposed establishment of a Parliamentary case, was regarded by many speculative persons as a valuable marketable commodity—as a sort of bill of exchange regularly negotiable in the City. The mere fact that a claimant had found favour and countenance in Parliament was sufficient to ensure him friends and support; he trafficked on his expectations, and claims of compensation for experiments made, and supposed loss of capital, were the result. Were their Lordships going to facilitate such purposes—to give Mr. Warner an undeserved *locus standi*—and to put it in his power, as the noble and gallant Duke (the Duke of Wellington) had said, to raise money upon the presumptions in his favour created by the concession of this Parliamentary inquiry? Mr. Warner professed to keep in view most disinterestedly the military defence and benefit of his own country; but was it not notorious that Mr. Warner had trafficked with foreign Sovereigns in order to induce them to purchase unconditionally his inventions? Had he not done so with Portugal, and with Austria? Were not his inventions tried at the siege of Venice, and did they not fail altogether? Mr. Warner had constantly abused those tribunals, to the decision of which he had originally respectfully submitted. The result in this case would be, should the report of the Committee be unfavourable to him, that he would go about the country reviling and attacking those of their Lordships who might have served on that Committee. In this instance their Lordships found all the authorities on one side. They had that evening heard the noble and gallant Duke (the Duke of Wellington). His authority on all subjects was powerful; but upon a subject relating to the military service it ought to be conclusive. He (Lord Monteagle) therefore trusted that the noble Earl (the Earl of Derby) would reconsider his opinion. He had, in point of fact, that evening, referred to the Committee proposed to be appointed by their Lordships as a court of appeal—as a tribunal superior to the professional tribunal which had already pronounced an emphatic opinion upon Mr. Warner's pretensions; and in taking that view, while consenting to the appointment of a Committee, the noble Earl was setting a most mischievous precedent for the future, weakening the authority and decreasing the responsibility of the Executive. Neither the Government nor their Lordships' House would be justified in acceding to the demand made unless they were satisfied on two points—first, that the matter deserved inquiry; and next, that a Committee of either House of Parliament was the fittest tribunal for such a reference. He ventured to doubt whether either of these questions would be affirmed.

Earl TALBOT could not pretend to any readiness of language such as that possessed by the noble Lord who had just sat down; and his remarks would be very brief. He would not bandy words with the noble Lord whether the individual in question was entitled to be called "Captain" or simply "Mr." Warner, neither would he dispute with the noble Lord whether the appointment of a Committee by their Lordships to investigate the subject would act as a bill of exchange on the eastern side of the metropolis. He would in the first place remove a misapprehension under which the noble Earl (the Earl of Derby) and other of their Lordships seemed to labour, that Mr. Warner had refused to make known his secret to the Government, or to their officers, without receiving a previous pledge or promise of a considerable sum of money. He (Earl Talbot) might have expressed himself badly, when acting as the organ communicating with the Government for Mr. Warner; but it was a fact, that that gentleman was willing to throw himself entirely upon the discretion of the Government of the day as to the reward he was to receive, if, indeed, he should receive any. With regard to what had fallen on this occasion from the noble and gallant Duke (the Duke of Wellington), he would only say, that there was no man in this country who entertained a higher respect and reverence for the character and opinions of the noble Duke than he did, and he certainly had not intended any discourtesy to him in not giving him special notice of the Motion, having placed it on the paper in the usual way. He differed from the noble Duke with the deepest pain; but he could not on this matter agree with the noble Duke, because he felt convinced that he was acting under a misapprehension of a great portion of the case in dispute. He (Earl Talbot) was not aware that he had used, the other evening, a syllable disparaging to Sir Howard Douglas; he knew that that gallant officer was entitled to every respect; but he also knew that this question had never been fairly put before Sir Howard Douglas, and that Sir Howard Douglas, in reality, never went into the case at all. There had been mistakes and misunderstandings between Sir Howard Douglas and Mr. Warner; and the result had been unsatisfactory. Sir Howard Douglas told Mr. Warner that he wanted to know something about the "long range," and that he did not want to inquire about the "invisible shell" in the first instance. Mr. Warner attached to the latter even greater importance than to the former; and when informed about the "invisible shell" by Mr. Warner, the shell being in fact a submarine explosion, Sir Howard Douglas replied, "Oh, we know that is nothing new; we do not want to inquire about that." So the matter dropped, as far as Sir Howard Douglas was concerned; and no report was made by that gallant officer further than a general opinion that the inventions were not worth looking any further into. It was now part of his (Earl Talbot's) case that these inventions had never yet been fairly sifted. As he had said on a former occasion, he had been the witness of three experiments with the invisible shells, and the first moment he saw the character of the explosion he felt that the power used was of an extraordinary kind. He alluded particularly to the explosion which had taken place in the presence of many of their Lordships, and certainly in the presence of a great number of competent judges of the experiment, at Brighton. In that case the proposal was made that the ship to be operated upon should be placed in the hands of officers of the Government, in order that that guarantee at least should be given by Mr. Warner against any unfair play; and there could therefore be no doubt of the integrity of the experiment. In order, further, that all ideas of collusion or trick should be forbidden, it was agreed that the explosion should be caused by Mr. Warner, on his (Earl Talbot's) raising the flag signal handed to him, and which he was left to raise at whatever moment he liked, and without any notice to Mr. Warner. The result was beyond all question. The ship came in contact with the explosive substance, and she was immediately destroyed. Of course, he might be mistaken; but he did, judging from that and from analogous experiments, most firmly believe that these invisible shells, or submarine shells, would prove of the greatest possible value as a means of defence to this country. The object which he had in view, in obtaining the appointment of this Committee, was not at all to cast discredit on, or to contravene the reports of, the officers who had been appointed to go into the matter. These officers were gallant men, and were proper persons to conduct such an inquiry. He had the honour of knowing all of them; and it would be impossible to speak otherwise than most respectfully of them. Colonel Chalmers, of the Engineers, and Captain Chads, who had commanded the *Excellent* with such valuable results to the service, had reported on the "long range" that that invention was a failure. But it could be made clear that Mr. Warner had been placed under very disadvantageous circumstances; and he (Earl Talbot) would show the Committee, if an opportunity were afforded him, that letters had been written at the time by those officers, in which they stated that the experiment waited for had been too long delayed, offering the explanation that a particular wind was necessary. They had made a demand of Mr. Warner to remove the whole apparatus, which at that stage was an impossibility; and Mr. Warner now desired to show that the whole apparatus could be carried in a steamer, and that the difficulty which had occurred in the course of the first experiment could not possibly occur in actual service. He (Earl Talbot) certainly had taken great interest in this matter, and he had moved so prominently in the business because he felt that, without pretending to any science, he had more actual knowledge of the facts than any other individual after the inventor himself. It was a subject which was not very agreeable to thrust on their Lordships' attention, seeing as he did that he excited in many minds merely ridicule or distrust; but he was acting in the manner he believed duty compelled him to act, and he should be ashamed if he should be found wanting in moral courage in demanding that justice should be done. In a communication which he had had with the noble Duke (the Duke of Wellington) in reference to the course he had taken on this occasion, he (Earl Talbot) had assured him such was his confidence in these inventions, that he was quite willing that the committee of inquiry should consist of the Commander-in-Chief, the First Lord of the Admiralty, the Master General of the Ordnance, and the other heads of the military and naval departments. Captain Warner was not now asking for a single shilling—he threw himself entirely on the honour and justice of their Lordships. Captain Warner was entitled to an investigation, if only to clear his own character. The noble Lord opposite (Lord Monteagle) had used the phrase *charlatanerie;* and the only answer that could now be given to that charge was in the expression of his (Earl Talbot's) opinion; and one opinion could only be set against another opinion, that what was in question was a set of very valuable inventions; and he did live in the hope that some day or other he should obtain the acknowledgment of their Lordships that he was not, after all, so very visionary and wrongheaded in bringing this question so incessantly before Parliament and the country. He proposed that the following should be the Members of the Committee:—the Duke of Cambridge, the Duke of Wellington, the Duke of Northumberland, the Viscount Hardinge, the Marquess of Anglesea, the Earl of Combermere, the Duke of Richmond, the Earl of Hardwicke, Lord Seaton, the Earl of Wicklow, the Marquess of Normanby, the Earl of Ellesmere, the Duke of Buccleuch, and himself (Earl Talbot). For all the various reasons he had stated, and which had been far more ably stated by the noble Earl (the Earl of Derby), he trusted that no further objections would be offered to the Committee. The noble Lord (Lord Monteagle) had said that it was a question whether their Lordships would establish a bad precedent. But this was not the question. The question was, whether their Lordships would lose the chance of now obtaining a good and cheap defence for this country.

The Duke of WELLINGTON explained that he had not intended to impute any discourtesy to his noble Friend, but he had not seen the notice on the paper. It was impossible that he should serve on the Committee, and he hoped he should be excused.

Earl GREY said, if he had had any doubt as to the impropriety of granting this Committee, it would have been removed by the speech of the noble Earl opposite (the Earl of Derby), and he was completely satisfied that in acceding to its appointment Government and the House had taken a very hasty step, and one which, for reasons so ably stated by the noble Duke, he thought they should recall. On a former evening he had left the House in the full expectation that the Motion of the noble Earl opposite (Earl Talbot) would be negatived, and nothing could excite the surprise with which, on the following morning, he found that a Committee, which appeared to him so entirely out of the question, had been granted. Even if he were as convinced of the merits of this alleged invention as the noble Earl himself, he should certainly say that the appointment of a Committee of the House on the subject, would be a dangerous and improper step. They all knew the public departments were besieged by projectors, whose main object was to obtain large grants of money for themselves. Now, if those projectors were to get their claims discussed by Parliamentary Committees, which were completely incompetent to the inquiry, with a view to use the report of the Committee to extort grants of money from Government and Parliament, and obtain loans from sanguine persons out of doors—for there was hardly a scheme so absurd that speculators would not be found to advance money on it—then practices of very dangerous tendency would be permitted. The regular course was to leave projects of this kind to the consideration of the responsible advisers of the Crown. The main reason alleged for the inquiry had been thrown over by the noble Earl who moved it, who told them that Captain Warner had made no conditions about money. He could not but express his deep regret that the Committee had not been refused in the first instance; and whatever damage to reputation might be incurred by reversing a decision already taken, it would be far better, instead of obstinately persevering in a gross blunder, to get out of it the best way they could. He would only suggest that, instead of deferring the nomination of the Committee until the papers were produced, as proposed by his noble Friend near him (Lord Monteagle), the nomination should be postponed *sine die.* Further inquiry, if any were necessary, should be conducted by the Government, and not by either House of Parliament.

The EARL of WICKLOW allowed readily that there was an essential distinction between the Committee to whom this question was now to be referred, and the former referees. What was now proposed to be disclosed was the secret; that which had hitherto been withheld; and the withholding of which no doubt impaired in some sense the value of the opinions which had been given by professional authorities. But because of that very description he altogether objected to the present proposal. For what was the object in view? Mr. Warner professed that he desired his own country to become possessed of his secret, and that the mystery should be hidden from other countries, who might at some future day be at war with us. But was a Parliamentary Committee a fit recipient for such a secret? It was absurd. What passed before an ordinary Parliamentary Committee was immediately made known to the whole world. In the Committee appointed, any of their Lordships would have the right to be present and to put questions to witnesses, although only the nominated Members of the Committee would have the right to vote. The result would be, then, that our neighbours would get the secret just as soon as we would get it ourselves; and thus, instead of providing a new means for our own defence, we would be putting new weapons in the hands of our enemies. An inquiry of this nature ought essentially to be conducted by scientific and professional men; and if their Lordships did name Members to the Committee, he hoped that no more than three or four would be appointed—that these would be scientific Peers—and that instead of being a Select it should be called and be regarded as a Secret Committee. There would then, at any rate, be some chance of keeping the secret—if secret there was. As far as he was concerned, he must decline to serve on the Committee.

The EARL of WINCHILSEA believed the entire affair to be humbug from beginning to end. It would be establishing a very inconvenient precedent if experiments of this kind, the main object of which was to extort from the public a certain sum of money, were brought under their Lordships' consideration. If the opinion prevailed that Captain Warner had really made an important discovery, the simplest plan would be to let Captain Warner communicate again with those gentlemen appointed by the Ordnance who were not satisfied with his experiments on a former occasion, and let him lay before them the composition of his shells and the means by which he proposed to carry out his invention.

The EARL of ALBEMARLE did not think that Captain Warner's conduct had been such as to entitle him to any great consideration from the British Legislature, because it was a mistake to suppose that this grand invention was intended to be confined to this country. When he (the Earl of Albemarle) was private secretary to Lord John Russell, this subject had come before him; and he remembered that Captain Warner then very significantly hinted that if his extraordinary demand were not satisfied, this secret of his might fall into the hands of those who might be the enemies of this country. In some of his pamphlets, too, Captain Warner had stated that "England, when in a crippled state, might lament the day when she refused this experiment," and also that he then considered himself a free agent to go wherever he pleased and sell his discoveries to any foreign nation that he thought proper. It was said that this grand experiment was to supersede the necessity of a Militia Bill, and in one way perhaps it might. If Captain Warner would sell his secret to our enemies, and they should use it at the time of invading us, like the elephants at the battle of the Hydaspes, it would probably prove more terrible to friends than to foes.

The EARL of ROSSE said, he did not speak at random when he expressed his conviction that there was no case for inquiry—he spoke from a perfect familiarity with all these fire devices on a large scale; not, indeed, for the purpose of war, but for what was much better—for affording rational amusement to large numbers of people. He was satisfied Mr. Warner had done nothing that could not be accomplished without the least difficulty without any other agent than common gunpowder. He was not surprised that the noble Earl (Earl Talbot) should have been imposed on, as he (the Earl of Rosse) believed he had been, because gallant officers were not so accustomed to such attempts as those who were engaged in scientific pursuits. The fact was, that scientific men were continually persecuted with projects of all sorts and kinds—perpetual motion, and machinery of the most extraordinary description. But, of all the projects that had ever been brought before him in the way of explosions, the only one in which he thought there was any novelty or a suggestion not known to the scientific world, was a project that was mentioned to him by an Irish Ribbandman. The circumstances were these: On various occasions the banks of a canal in Ireland had been destroyed, and a great deal of mischief was done. Endeavours were made in vain to discover the means by which it was effected; at last a party turned approver, and divulged the secret; he was a Ribbandman, and was sent to him (the Earl of Rosse) for the purpose of testing him; he supplied him with gunpowder; he prepared a mine, but there was no fuse; instead of a fuse, he made a mixture of quicklime, oatmeal, and nitric acid. He (the Earl of Rosse) knew of nothing of the kind in any scientific work; however, the thing was tried, and the man said in about four hours the mine would go off. It went off in four hours and a half, and an explosion took place. He asked the Ribbandman where he got his knowledge of the secret, and at last he succeeded in tracing it to France. He thought the man had made a more important communication than Mr. Warner, and mentioned it to the Government; but the only reward the man received was a free passage to America. Being aware that this question had been thoroughly investigated by Sir Howard Douglas, one of the distinguished Fellows of the Royal Society, and an eminent writer on naval gunnery, he felt himself constrained to vote for the postponement of this Committee.

Earl TALBOT said, that his object was to obtain a full and impartial inquiry, he did not care before whom it took place. If the House thought there should be a postponement, he would at once agree to the Motion, at the same time reserving to himself the option of again proposing a Committee. He was willing that the same officers who had before inquired into it should again be appointed by the Government to look into the matter. He was entirely in the hands of their Lordships, as he only wished for a fair and impartial inquiry.

The Marquess of LANSDOWNE thought that no conditions should be imposed on the noble Earl if he now withdrew his proposition. The House ought not to take upon themselves the responsibility that belonged to the Crown.

The Earl of DERBY said, he was only desirous of doing justice to Captain Warner; but neither himself nor his noble Friend near him (the Earl of Hardwicke) had, on the part of the Government, expressed any opinion in regard to the merits of the invention. He could not concur in the observation of the noble Earl (Earl Grey) opposite, that the House had committed a blunder in acceding to the proposition for the appointment of a Committee, nor did he think that the noble Earl near him (the Earl of Winchilsea) was justified in using the expression that Captain Warner's invention was all humbug. He expressed no opinion whatever on the subject. But he understood the noble Earl (Earl Talbot) to agree that the papers that had been moved for by the noble Duke should be laid on the table of the House, and that the Committee should be postponed until that were done, reserving to his own discretion, after the production of those papers, whether he should or should not again submit to their Lordships the proposal to appoint a Committee. He thought this would be perfectly satisfactory to their Lordships. The Committee would not be appointed without giving the House a full opportunity of discussing the matter. In the mean time, the fullest information that had yet been obtained would be laid before them. At the same time, he thought that the appointment of a Commission by the Government, to inquire into the merits of the invention would be much more in favour of it than a reference to a Committee of the House, as Captain Warner might there appear, and depose on oath as to the merits of the invention.

The Duke of WELLINGTON said,

there was no doubt that the Master of the Ordnance would cause such inquiries to be made as the noble Earl (Earl Talbot) opposite would think proper, and in a manner that would be perfectly satisfactory.

Afterwards, on the Motion of Lord Monteagle, the naming of the Select Committee on the Warner Inventions (which stood appointed for this day) *put off, sine die.*

MAYNOOTH.

The Marquess of BREADALBANE was about to present some Petitions, praying for the repeal of the Maynooth College (Ireland) Act, and had referred the question of which he had given notice as to the intentions of the Government with respect to the grant to the College of Maynooth, when

Earl FITZWILLIAM appealed to the noble Marquess to postpone it until Monday.

The Marquess of BREADALBANE said, he was about to ask whether it would not be more convenient to their Lordships if he were to postpone his question until Monday?

The Duke of ARGYLL protested against their Lordships adjourning merely because it was seven o'clock. He was sure the character of their Lordships' House would suffer if they were not to proceed with so important a subject as the grant to Maynooth merely because seven o'clock had arrived.

The Earl of DERBY thought it would be very convenient that the same question should not be asked more than once.

The Marquess of BREADALBANE, after the remarks of the noble Duke, if it was his wish and that of the House, would go on.

The Duke of ARGYLL was not at all anxious that the question of the noble Marquess should be put at all. The same question had been asked of the noble Earl at the head of the Government on a former occasion, and he had given an answer, the only one which the Government could give, namely, that it was not, at present, his intention to make any change in the Act which gave the grant to the College of Maynooth. Circumstances might arise in the course of time which might compel the Government to make some change in that respect; but he understood that there was no present intention to make any alteration in the matter. He (the Duke of Argyll) should be as glad as any one to get away from this debate; but if the question was to be put, he did not see any reason why it should not be asked now.

The Marquess of BREADALBANE then said, that he had a great number of petitions to present on the subject of the grant to the College of Maynooth. These petitions emanated in a great measure from members of the Free Church of Scotland, some of them being founded on the principle of religious objections to Maynooth, and others upon views of general policy. He concurred generally with the opinions of the petitioners on this subject; and it was upon this ground that he had used his humble efforts to resist the Bill when it was brought in by the late Sir Robert Peel, for augmenting the grant to Maynooth, and placing it on a permanent basis. The convictions which he entertained at that time had been strengthened and confirmed by after experience. The grounds upon which the grant was made, appeared to him to have totally failed of realisation—no good result had emanated from that measure; on the contrary, while it did not conciliate the Roman Catholics of Ireland, it had caused great dissatisfaction to our Protestant fellow-subjects. He trusted that he might express these opinions without feeling the least ill will or hostility to the Roman Catholics. He had always endeavoured to regulate his conduct by the great principles of civil and religious liberty; and he hoped that in considering that there were serious objections to this grant, he was not compromising those principles. But he could not conceal from himself that most important questions were involved in this subject of the grant to Maynooth, and that if they should come to the resolution to withdraw that grant, they must also consider the case of other grants made to various religious bodies in this country. That would be the only just course to pursue, and he believed it to be also the course dictated by sound policy; for it would disconnect the State from the discussion of religious questions, which, as it appeared to him, it was not at all the province of the State to inquire into. He had ever considered that religious disagreements ought to make no difference with respect to the enjoyment of civil rights, provided they did not favour any religion whose principles were hostile to civil society or to sound government. Considering the various conflicting questions and claims that mixed themselves up with the various denominations of this country, he believed it would be the best gradually and judiciously to withdraw all assistance given by the State to those religious bodies, and to maintain their religious establishments, endeavouring to strengthen and confirm them by correcting abuses, by enforcing efficiency, and, above all, by rendering them the teachers of the pure Christian faith. His remarks applied more especially to the case of the Established Church in Ireland, which was a Church overgrown, and quite out of measure with the Protestant population of the country. He thought that this view was one which was involved in the question of the withdrawal of the grant to Maynooth; and viewing the subject in this light, and knowing that great anxiety was felt on the part of the Protestant inhabitants of this country, who believed that their principles were compromised by the continuance of the grant, he would appeal to the noble Earl at the head of Her Majesty's Government to give a declaration of his opinions as to the policy which he intended should be pursued by his Government upon this great, difficult, and important subject, in order to afford some satisfaction to the people of this country, and to remove the doubts which still existed in the minds of many as to their intentions. No doubt a similar question had been previously asked in that House when a short discussion took place, and the subject had also been brought forward in another place; but still he must say that some doubt and uncertainty prevailed in the public mind, which was most prejudicial to the public interests of the country, and most inconsistent with the representative system which in this country had been established. It appeared to him, that whoever undertook the responsibility of a Government, and was placed at its head, should have his principles ready for their application upon all the great questions which agitated the public mind, and that he should have a decided course of policy marked out as that which he should pursue. Without that qualification he maintained that there could be no real government of the country, but it would be left to this or to that wind, and it would be impossible to know how to steer the vessel of the State. It was only consistent with their representative system that there should be no concealment of the policy of the Government. Having made these remarks without any feelings of hostility to the Government, he hoped the noble

Earl at its head would explain to the country the principles which he meant to apply, and the policy he intended to pursue, with regard to the grant and the Acts at present regulating the College for Roman Catholic priests at Maynooth.

The Earl of DERBY: I feel great difficulty in giving the noble Marquess any more information than I have already afforded on a former occasion, and which has been this night repeated by the noble Duke (the Duke of Argyll) opposite. This is the third, and I hope it will be the last time of asking. What I have stated before is, that Her Majesty's Government have no present intention of making any alteration in, or proposing any repeal of, the existing Act, by which an endowment is granted to the College of Maynooth. I do not concur in what appears to be the view of the noble Marquess, and certainly is the view of a considerable number of persons in Scotland—that this is a matter upon which there can be no question of policy, but that it is an act of mortal sin for a Government to make a grant of money to persons of a different religious persuasion from themselves. I do not sympathise with that view—I do not adopt that principle. I consider that the question of the endowment of Maynooth is one purely of policy; and as a question of policy the Government must be left free to act in such a manner as the circumstances of the time may justify, without reference to any specific principle of right or wrong, but merely as with regard to the public welfare, the maintenance of the public peace, and the general well-being of the country, they may deem it wise and politic to act. We must be left to act with perfect liberty with regard to the College of Maynooth; and I have to state again, as I have said before, that we have no present intention of interfering with the grant to that establishment.

Lord BEAUMONT: My Lords, I am at a loss to reconcile the answer of the noble Earl here with the conduct of Her Majesty's Government in the other House. If I understood the noble Earl rightly, he states that it is not the intention of Her Majesty's Government to interfere with the present grant to Maynooth, and that he considers the whole question to be purely one of policy. How then, my Lords, can that statement be reconciled with the consent which the Government has given in another place to an investigation not into a question of policy, but an investigation into the principles and teaching of the College of Maynooth? If the noble Earl intends to make no alteration with regard to the College of Maynooth, and has already made up his mind on that point, how can the Government, with any reason or any propriety, consent to the appointment of a Committee which is to raise the whole question? I ask how they can consistently take that course, if they have already made up their minds, whatever may be the report of that Committee, not to take any proceedings or make any alteration in the present state or condition of that college. Now, my Lords, I agree with the noble Earl that the question is one of policy. I must remind the noble Earl of his own words on a former occasion on this very subject. When the noble Earl in this House supported the additional grant, he justly defended it on these grounds—that it was required by the policy of this country, and that it did not matter at all whether the party to whom the grant was to be given met it with gratitude or ingratitude; that the policy of this country was straightforward, and that it being right to make the grant, the Government would not look to the effect it might produce on the persons to whom the grant was to be extended. The object of the grant was this—to give education to persons intended to be Roman Catholic priests. It happens that in Ireland you have a large proportion of Roman Catholics. So long as that is the case, it is necessary and requisite that they should have a certain number of priests. They must either pay out of their pockets for the education of men to fulfil the office of priest, or else the Government must do it for them. The Government wisely have undertaken on a principle of policy to relieve the people from this burden. Having once undertaken that burden, the Government have nothing further to do with the College of Maynooth than to see that it carries out the purposes for which the grant was made. That purpose was the education of Roman Catholic priests as Roman Catholic priests. Now, I maintain that the college has strictly fulfilled that object—that it instructs them merely as Roman Catholic priests, and nothing else. It gives them no other education but that which is suited to Roman Catholic priests. It confines itself narrowly to that sole object. In other words, it fulfils minutely and carefully the object of the grant. You have Commissioners appointed to visit this college. Their reports are confined to a certain number of simple questions, and they do not go into the result, or the end, or the nature of the teaching there given. They merely ask whether certain conditions are complied with; and hitherto the report has always been that those conditions have been complied with. The Government having this information, I maintain that it is not their business to investigate any further into the subject. It is idle and useless to make an investigation for the purpose of ascertaining whether certain books are used at Maynooth—whether those books contain doctrines—whether the teaching of certain doctrines must produce certain results on the minds of the scholars—or whether the reading of certain volumes may have an immoral or indelicate tendency, or questions of that nature. All that takes place in the establishment is the mere ordinary routine in all establishments where the object is solely to bring up persons for the priesthood; and knowing that, you know all you are entitled to know on the subject; and I maintain that all further investigation is not only uncalled for, but, I may almost say, is dangerous and impolitic. Yet it is to an inquiry of this nature that Government in the other House has consented. I can imagine perfectly well a Motion on the broad question whether it is right or wrong that the grant should be continued. That portion of the subject I allow to be a most legitimate subject of inquiry—that might be a very proper Motion or a proper matter to bring before Parliament. But as long as the Government maintain that it is right and proper that the grant should be continued—as long as they say it is not their intention to entertain any proposition to alter that grant—it is their duty to hesitate before provoking any unnecessary investigation into the matter. What can result from the report which such a Committee may produce? The Committee may examine into the studies adopted at the college—they may procure evidence, no doubt, in abundance, that the casuists are not the most delicate books—that there may be doctrines and opinions extracted out of the theologians which may be construed as not being calculated to promote feelings of loyalty or affection to this country. I have no doubt, on investigation, you will find such matters in isolated passages in the text books laid before the students; but, after all, the answer is, this is a part and portion of the education of the Roman Catholic priests—these are the books which are adopted and studied in all colleges for this purpose—and you consented when you made the grant that they should study those books, and that, whatever might be the result of so doing, those books were a part of the necessary studies to be gone through. The question, therefore, resolves itself into this—that you are now pledged to the very system of education there adopted. When you made the grant, you did it with your eyes open. The same course of study which now exists was pursued at that time. It does not vary. Not a book has been omitted from those studies. You knew the books, and the doctrines contained in the books, and yet you freely, and willingly, and wisely made the grant. The proposed tiresome investigation appears to me to be—I am not fond of using an offensive word, but for want of another I am obliged to use it—it appears to me to be a sneaking out of the question—an evasion of the fair consideration of the subject. If there is any feeling in the public mind with regard to the question of Maynooth, it is as to the grant itself; and if you wish to investigate the question which is agitating the country, you must investigate the propriety of any grant whatever. But to adopt a sort of half measure, stating in one House that you are not prepared to make any alteration in the grant, and yet consenting in the other to a provoking inquiry, appears to me a line of conduct unworthy the Government of the country. However, I am not quite so much surprised at this as I might have been, because it is partly consistent with the only principle which as yet the Government has declared or adopted, namely, that everything in this world is a compromise, and everything being a compromise, I suppose they consider that the question of Maynooth must also be a compromise. Instead of taking a straightforward course, and saying, "We do not intend to alter our policy, and do not see the use of a Committee on the subject;" or, "We do intend to open the question, and will have the whole question considered as a matter of policy"—instead of taking this course, they are declaring one thing in one House, and acting differently in the other. In other words, they are making a compromise; and a compromise on a subject like this is totally unworthy of the Government of a great country.

The Earl of DERBY: My Lords, whilst I entirely repudiate the doctrine of the noble Marquess opposite (the Marquess of Breadalbane), that it is contrary to all principle that we should give any assistance to the education of Roman Catholics, so also I repudiate the doctrine just laid down by the noble Baron, that whatever may be the education given at Maynooth, it is a matter of indifference to the Government. My Lords, I said we had no present intention of altering the conditions or repealing the grant. But I did not say (as the noble Baron supposes me to have said) that whatever might be the result of the inquiry as to the system of education pursued in Maynooth, or as to the extension of the fund or the due application of the fund voted by Parliament for the education of the Roman Catholic priesthood—I did not say whatever might be the result of those inquiries or disclosures, that the policy of the Government with regard to the grant must necessarily remain unaltered. Nor can I adopt the expression of opinion which I heard with some surprise from the noble Baron, that if in the education of the Roman Catholic priesthood there were doctrines taught which were either inconsistent with morality or subversive of loyalty—

Lord BEAUMONT: Not inconsistent with morality.

The Earl of DERBY: If there are doctrines taught there subversive of loyalty, I cannot agree that this is a question with which the Crown has nothing to do. I understood the noble Baron to say, that the Ministers of the Crown had bound themselves to grant the money for what is necessary for the Roman Catholic priesthood, and that in his opinion the education of the Roman Catholic priesthood necessarily involves matters not consistent with morality, and subversive of loyalty. I have a better opinion of the Roman Catholic priesthood generally, than to believe it essential to their education that they should be taught doctrines subversive of loyalty. If I find that the noble Baron gives a more correct representation of their views than I have hitherto been disposed to take, it would very materially alter my views with regard to the policy or propriety or expediency of the State supporting a system which inculcated doctrines subversive of loyalty and morality.

Lord BEAUMONT: My Lords, I never said there was anything necessary to the education of a Roman Catholic priest which was either subversive of loyalty or of morality. I said nothing of the sort. What I said was this—that there are books of the casuists and other text books, from which might be extracted passages which would not be considered as tending to enforce the feelings of loyalty and affection to this country, and that in the writings of the casuists there were many passages which might be considered to be extremely indelicate, and that these are text books. But I never once stated anything approaching to what the noble Earl has put into my mouth—that it was necessary in the education of a Roman Catholic priest for him to adopt principles that were either subversive of loyalty, or which in any way tended to immorality. All I stated was, that passages of that sort are to be found in those books. There are passages of that nature to be found in the text books there, and it is necessary for a full study of the subjects taught that these passages, as well as passages of an opposite tendency, should be studied: these passages are essentially necessary to be studied, because without them an incomplete view of the conflicting opinions on controverted points would be obtained, but the principles contained in them need not be adopted. I should like to know whether in studying for another Church, it was necessary to read only one side of the question. I ask if it is not necessary to investigate the whole matter; and if in their case there are not many books which they are required to study and become masters of, which contain passages which they would be extremely unwilling to adopt as the foundation of their own principles and conduct?

The Bishop of OXFORD: My Lords, as the noble Baron has so pointedly appealed to the right rev. Bench, I will endeavour to give a very distinct answer to the question. There are no books in which the clergy of the Church of England are taught which have any tendency to subvert their loyalty or to destroy their morality.

The Earl of WINCHILSEA said, that a very strong public feeling was manifested against the grant to Maynooth, when the question of its permanency was before their Lordships on a former occasion. Petitions praying for its abolition, signed by 1,500,000 persons, were presented on that occasion. He wished very much that the Committee of Inquiry which he had then moved for, and which was to have been composed chiefly of the Roman Catholic Members of their Lordships' House, had been granted at the time. He should have been perfectly satisfied with its result; for he was convinced that the evidence which would have been brought forward would have fully established the fact, that a great many of the evils which have for a long period afflicted Ireland had been caused by the college of Maynooth. That inquiry would have shown that the college of Maynooth was the worst nest of Jesuits in Europe. The people of this country were now aroused on this subject, and the time was fast approaching when they would be able to speak out in the most unmistakeable manner. The votes which would be given at the approaching general election would speak in plain language. The next Parliament would not only demand an inquiry into the nature of the doctrines taught at Maynooth, but would raise the question of the change in the oaths administered to Members of the Legislature by which its Protestant character had been perverted. Such a course of proceeding was necessary, for the Church of Rome would never be content with equal civil rights for its members, but would do all in its power to obtain absolute dominion. He had been accused of being a bigot and a religious enthusiast; but most of the predictions he had made in 1845 had been completely verified. The Church of Rome would never be content until it had forced this country into a civil war by an attempt to aggrandise her temporal power in England. The next Parliament would demand in an irresistible manner an investigation, the grant to Maynooth, and the principles on which the college was conducted.

Earl FITZWILLIAM said, that the noble Earl had pronounced a philippic against the Roman Catholics which, in his opinion, applied also to the Protestants. He (Earl Fitzwilliam) could not believe that the Protestants of this country, though temporarily excited by persons who desired to gratify their own ambition, would allow that excitement to become permanent, or that they would attempt to interfere with the liberties of their Roman Catholic brethren. The noble Marquess (the Marquess of Breadalbane), who had originated the discussion, had expressed a wish not to do anything which might be injurious to his Roman Catholic fellow-subjects; but he (Earl Fitzwilliam) would seriously beg the noble Marquess to consider whether the course he and the great body whom he represented were taking, commencing with a pure and disinterested denial of certain principles held by certain persons, was not likely—nay, certain—to degenerate into dislike of the persons holding them? He, therefore, regretted that they should enter into discussions which he feared this country would long rue; but even if this crusade against the College of Maynooth were successful, it would excite as much indignation in Ireland as the Papal aggression. Did the noble Marquess imagine that less excitement would be created in Ireland, than was created by what was commonly called the Papal aggression? The attempts to create or continue such an excitement were most unjustifiable. He was, however, quite satisfied with the answer given by the noble Earl (the Earl of Derby) to the question of the noble Marquess. It was, indeed, most desirable that the country should know how the question stood. The noble Earl who spoke last told their Lordships that the next Parliament would speak out; but he (Earl Fitzwilliam did not doubt that the opinions of the noble Earl (the Earl of Derby) would remain unchanged, whatever might be the opinions of certain constituencies. No doubt would have existed on the subject, if certain persons connected with Her Majesty's Government, making use of it for electioneering purposes, had not pledged themselves to vote for its repeal. With respect to those persons who believed that the Protestantism of England was to be overwhelmed by the College of Maynooth, he would simply ask whether the individuals who had lately distinguished themselves by their hostility to Protestantism were educated in that establishment? Dr. Cullen was not a member of Maynooth. It was not Maynooth that was to be feared, but Oxford, and the corruption of the aristocracy of the country. He did not much like that House; a great effect was produced on the minds of many persons by the magnificent mode in which the worship of the Church of Rome was carried on. He did not like the gorgeous churches which were built all over the country, but preferred the plain and simple edifices of the Free Kirk. He had no fear whatever of the Protestants being converted by the Roman Catholic priesthood, but he entertained a great apprehension that the aristocracy would be corrupted by the Romanising tendencies of Protestant clergymen.

The Earl of WICKLOW expressed himself perfectly satisfied with the answer given by the noble Earl on the present as well as on the two former occasions. No Minister could be expected to say more with regard to his intentions than the noble Earl had done, for it was impossible to foresee what circumstances might occur. It was certain, however, that persons connected with the Government did not speak so plainly as the noble Earl had; and when he found that a time like this, when the public mind was agitated and inflamed, was the opportunity chosen by a Minister of the Crown in the other House to consent to a Motion, the intention of which, with the animus actuating it, were shown from the very words of the proposer, he was not to be deceived by a speech, but must judge of the motive by the act. He wished well to the Government, and therefore the more regretted that they should have given cause by their conduct to the suspicion alluded to by his noble Friend, that they were desirous of availing themselves of a popular clamour on the subject of Maynooth, for the purpose of influencing the elections about to take place. And when they talked of inquiry, on what ground was inquiry demanded? The very same reasons which were now asserted had been repeated over and over again in Parliament by those who were rigidly opposed to Roman Catholics and the Roman Catholic religion generally, and had been met and resisted by the noble Earl himself as strongly as possible. Yet the Government were found yielding now to those arguments; and this was at least extremely suspicious, was at least liable to a suspicion which the noble Earl should endeavour to remove before a dissolution. What was it, he naturally asked, that had occurred just at this time to justify inquiry? It was impossible, indeed, to deny that at the present moment a strong feeling against Roman Catholics had taken root. But to what was that attributable? To anything on the part of the Roman Catholics of Ireland? He said it was a most foolish, a most impolitic Act of the Legislature, that had led to all this; that it was to that Act and to the letter of Lord John Russell to the Bishop of Durham that it was attributable; and that those who proposed that Act were responsible for it. He still hoped, however, that the people of this country would not be guided by sentiments of bitterness, or by clamour, but by a true sense of policy, and not only of policy, but of justice. Parliament had a right to inquire, and a right, as far as a physical right went, to suspend the grant to Maynooth; but there was upon it a moral responsibility not to lay a finger upon that established grant, which, though not actually stipulated, was in truth involved in the conditions of the Union. It would be contrary to the principles of policy and of justice, and would, in fact, amount to a confiscation, for any Government to withdraw the grant upon the grounds hitherto shown. But, independently of this, were they to forget that Ireland was a Roman Catholic country—that she paid her full, if not more than her fair share to the expenses of the country? Were they to forget that while they had for a small portion of her people the Established Church in that country, they were in justice bound to establish a priesthood, and afford the means of a religious education for the vast majority? He hoped not; and he said that no Government of this country, without such cause as did not now and probably never would exist, could, without a breach of faith and an act of spoliation, touch this grant.

EARL GREY concurred in the opinion expressed by the noble Earl who spoke last, that an Administration was not called upon to speak for more than its present intentions, and should decline to pledge itself as to the conduct it would pursue in circumstances not yet arisen. He would therefore be perfectly satisfied if he could understand the noble Earl at the head of Her Majesty's Government to say plainly and distinctly that his opinions were now the same with those he expressed with so much force and eloquence to that House as a member of Sir Robert Peel's Government in 1845—a period when probably he understood the Roman Catholic religion, and the nature of education given to the Roman Catholic priesthood, just as well as at present—if he (Earl Grey) could understand him (the Earl of Derby) to say that he adhered to those strong opinions as to the importance to the peace, and welfare, and union, of the Empire, of the settlement of this question, which he then expressed; if he stated that nothing had yet occurred to change those opinions, that no new circumstances had brought him to different conclusions, and that, except by possible future events, his sentiments would not be altered, then he (Earl Grey) would be perfectly content. But, unfortunately, he could not quite understand the noble Earl's answer in that sense. When, on a former evening, he (Earl Grey) asked the noble Earl whether he adhered to the opinions he declared in 1845, the noble Earl absolutely denied his right to put such a question to him. The noble Earl, too, was particularly careful in having his words correctly quoted, and drew hairbreadth distinctions between the phrases "having no intention to do a thing at present," and "having no present intention to do the thing;" and the noble Earl had this very night risen three or four times to detect and expose shades of mistakes which had been fallen into with respect to his opinion. But an opinion so difficult to be precisely understood was calculated to excite no little doubt and difficulty; such hairbreadth distinctions must leave it a mystery what, or whether any, meaning was intended to be conveyed. At the same time it was a very significant fact that whilst the noble Earl in that House told them that he had no present intention of asking Parliament to rescind the grant to Maynooth, persons holding under him offices of the greatest importance were distinctly pledging themselves to their constituents to vote for the repeal of that grant. All these circumstances tended to create a suspicion as to the intentions of the Government, which it behoved the noble Earl, for his own honour and for the credit of the representative principle of government and the constitution of the country, to remove. A man of the high honour and feeling which should actuate a British statesman, would not consent to shelter his real intentions under equivocation and subterfuge. As to the remarks made by another noble Earl (the Earl of Winchilsea), the opinions of that noble Earl—sincere as they must be admitted to be—were such that they could not be held by a large number of persons of this country without endangering the permanent union of the three kingdoms. When they were told, in such language as had been used by that noble Earl, by hon. Members in another place, and by the Press, that the Roman Catholic religion was destructive of morality, and subversive of loyalty, it seemed to be overlooked that to act on this opinion would imply that one-third of Her Majesty's subjects can never be put on an equality with the rest, can never be treated with confidence and fairness. But if such a policy is to be adopted towards the Roman Catholics, they must know that those thus esteemed, and thus treated, must, as the very consequence of the circumstances in which they were placed, become disaffected? And if their Lordships were to object to a grant to Maynooth because the Roman Catholic religion was false, as they were told, did it not follow that a principle would be recognised the adoption of which must lead to very serious consequences? If it was their duty not to assist in teaching doctrines that were, as they believed, false: it was obvious that it was equally the right and the duty of the Roman Catholic to object to contributing to the teaching of doctrines which are in his judgment false; therefore as the doctrines of the Protestant Church are considered to be false by the Roman Catholics, it would, on the principle of the noble Earl, be the duty of every conscientious Roman Catholic in Ireland to do his utmost to relieve himself of the Establishment there. Would not this be an end to religious peace in that country? He called upon the right reverend bishops to consider this part of the question, and to beware of encouraging an opposition to the grant to Maynooth on a principle which tended directly to render the maintenance of an establishment impossible. He would call their attention to the fact that already the arguments used against Maynooth were being pushed to their legitimate conclusion as against any Church establishment whatever. In his hand he held a petition, agreed to at a public meeting, not in Scotland, not in Ireland, but in Wallingford. It objected to the grant to Maynooth; but, on the same grounds, it objected to all religious establishments in Ireland; naturally, for to the voluntary principle they must come, if they were to support no religious establishment because it taught some doctrines in which they did not concur. For himself, he thought that every Christian Church taught doctrines the greater part of which were true and beneficial to the people, and he was willing that all portions of Her Majesty's Christian subjects should receive assistance from the public funds for the promotion of religion—assistance such as they at present received. Of course in expressing his approbation of the principle of giving, as they now did, assistance to different denominations of Christians, he did not mean to say that he approved of the existing arrangements with regard to the Established Church in Ireland, which were susceptible of considerable amendment. He was disappointed not to have heard from the noble Earl (the Earl of Derby) a more distinct declaration on the part of the Government whether they adhered or not to the policy of which the chief member of the present Administration was the principal advocate in 1845.

The DUKE of ARGYLL considered it highly necessary that the public policy of the Government on this question should be clearly and fully explained; but while regretting the uncertainty which still existed on the subject, and not rising to support the Government, yet he could not agree with the noble Lord (Lord Beaumont) that the Parliament had not a clear right to inquire into the College of Maynooth, and the manner in which that institution was conducted. He would quote to the House a passage from a speech made by Lord John Russell on the Motion for leave to bring in the Bill for the endowment of Maynooth, proposed in 1845. In that speech the noble Lord said—

> "But at the same time, I will say, that if you found you were doing that which was mischievous to the community, and that the religious scruples of the community would not allow of the continuance of this grant; or, with reference to civil and political reasons, you found that those you meant to be the teachers of religion had become the leaders and conductors of rebellion—if, I say, you found for any of these causes that there was ground sufficient to refuse this grant—then I can see no valid reason why any compact should restrain you, or why, upon strong grounds of this kind, the House would not be justified in declaring that it would give no further allowance.—[3 *Hansard*, lxxix. 91.]

Those were the grounds laid down by Lord John Russell, on which an inquiry might be made into the colleges. But at at present there was no specific charge brought against Maynooth; the only charge brought forward involved the discussion of abstract questions. With all due respect for the noble Marquess who had brought this subject forward, and for the body which the noble Marquess represented, he (the Duke of Argyll) could not agree to the withdrawal of the grant to Maynooth, on the ground that all religious endowments ought to be abandoned. If that principle were to be acted on, they would not stop at the College of Maynooth; they would have to go farther than the noble Marquess had probably anticipated. All grants made by Parliament for educational purposes would have to be withdrawn, to the principle of which Parliament stood committed. The Scotch people certainly would not wish the principle they had laid down in their petitions to be carried out to that extent. He objected very much to the tone in which the matter was discussed, and to the time chosen for introducing it. Had he been called upon to vote for the endowment of Maynooth, he should certainly not have done so, for he did not think any religious principle was involved in the education of the priesthood; but he trusted that when it became known what would be the result of carrying out the principle on which the withdrawal of the grant to Maynooth was required, that many of those petitions would be withdrawn, because dangerous to the peace of the Empire. He thought the present aspect of the question dangerous, as likely to lead the Roman Catholics to think themselves treated unfairly, and to promote religious disunion between the two countries.

The MARQUESS of CLANRICARDE considered that, in point of fact, there was an inquiry into the College of Maynooth, and it had been shown that no change had taken place in the system of education pursued at that establishment since the grant was first carried; he was therefore at a loss to understand why the Government had, in the other House, assented to a Motion for an inquiry into that system. He quite agreed that Parliament had a right to inquire if grounds could be shown for instituting an inquiry: but if grounds could be shown to exist, it was the duty of Government to institute an inquiry, and not to leave it to a private Member of Parliament. When they saw the Government assenting to such a Motion for inquiry, they must look at what was the avowed object of the Member who proposed it? Was the object proposed the amelioration of Ireland? They knew well that it was proposed by a Gentleman who had been the consistent, and, he doubted not, the conscientious opponent of these colleges from first to last—whose whole politics were, that this establishment ought not to last. There ought, therefore, to be a distinct understanding what were the objects of the Government in going into this inquiry, and the explanation should be given before Gentlemen went to the hustings. In 1842 the noble Earl declared that the consequences of inquiry would be incessant, constant, and daily increasing acerbity and religious rancour and enmity between the different communities. What did the noble Earl think now? At present the inquiry asked for could not be gone into before the dissolution, and he did not think that anything was really intended to be done except to obtain a good hustings cry. When the noble Earl assumed office, he announced his intention to oppose what he called the democratic tendencies of the times; but the noble Earl could have done nothing more calculated to promote those tendencies than he had done since he assumed office. He quite agreed with the noble Earl in thinking that this ought to be the last question on the subject; but he (the Marquess of Clanricarde) must say that the answer to it might have been more clear.

Petitions ordered to lie on the table.

IMPROVEMENT OF JURISDICTION IN EQUITY BILL.

The LORD CHANCELLOR moved that this Bill be read a Second Time, and referred to the same Select Committee as was now sitting on the Bill for the Abolition of the Masters' Offices.

LORD CRANWORTH said, he had had the opportunity of perusing the Bill, and, so far as he considered it, he very much approved of it. But, taking into consideration the very short time which remained for carrying this Bill through Parliament, and for suggesting amendments which might become necessary on a long series of clauses in case any very great difficulty should arise, it might be impossible to pass the Bill this Session; but he saw no reason why that should interfere with the Bill for the Abolition of the Masters' Offices.

The LORD CHANCELLOR said, he could hardly conceive of any circumstances arising to prevent both Bills passing into law during the present Session. The two Bills had been introduced at different times, not for the purpose of separating them in their passage through Parliament, but because the subject naturally divided itself into two parts, the one the Masters' Offices, and the other the function and procedure of the Courts. There was despatch used in connexion with these Bills, but no hurry. They were the result of a Commission appointed by the Crown, composed of persons of great ability, who took as much time and gave it as much consideration as it was possible for men conversant with the subject to dedicate to it. For his own part, he had taken great pains and used much care upon so important a measure; and if any difficulty should arise to obstruct its progress, he would be as ready as his noble Friend to give it his attention. But he could not foresee that there would be any serious difficulty in the way of the course suggested. The same subjects would be considered in the Select Committee, that had upon it every one of the Equity Lords, including, of course, the noble and learned Lord himself; and the fullest opportunity of correcting what was imperfect in the Bill would be afforded there. He could not bring himself to press one measure without the other, for, if the first Bill were to pass without the second, the Court of Chancery, or rather those who presided over it, would be placed in a position in which they would find it extremely difficult to carry on the full and proper administration of justice in this country.

Bill read 2ª, and *referred* to the Select Committee on the Master in Chancery Abolition Bill.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 21, 1852.

MINUTES.] PUBLIC BILLS. — 1° Bishopric of Quebec.

2° Thames Embankment; New Zealand Government.

LONDON NECROPOLIS AND NATIONAL MAUSOLEUM BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

VISCOUNT EBRINGTON said, he rose pursuant to notice, to move an Amendment. He complained that the principle of allowing compensation to the clergy for interments was recognised in the present Bill, although it had been previously denounced and given up in the Metropolitan Interments Bill of the Government. While this measure apparently supported the Government Bill, the effect of its passing would in fact be practically to repeal that Act. If this Bill was to be viewed as a private one, it was a measure that would prove not only inefficient, but superfluous. The cemeteries of London belonging to private companies embraced already 260 acres, of which 150 were available for public uses. It was obvious that such an extent of ground as this Bill proposed to enclose—namely, 2,000 acres—could not be required by any company for the purposes of a cemetery. Mr. Walker, the able and meritorious pioneer in exposing the abuses of intramual interments, as well as many other authorities upon the subject, concurred in stating that a piece of ground of 400 or 500 acres would be quite sufficient for the purposes of a permanent burial ground for the inhabitants of the whole metropolis. This, then, was the time for the House to pause before they passed such a measure as the one before them. The principle of the Bill was irreconcilable with that of the "Metropolitan Interments Act," one of whose main purposes and most important objects was to wrest from the hands of private individuals and private companies the management of so important a matter as the burial of the dead.

MR. MONCKTON MILNES seconded the Amendment.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "Third Reading of the Bill be postponed till the Bill introduced by the Government on Metropolitan Interments has been printed and in the hand of Members,"—instead thereof.

MR. BAINES said, if the Amendment of the noble Lord should be agreed to, he should regard it as a great public misfortune. As Chairman of the Select Committee to whom the Bill had been referred, he had come to the conclusion, in which the Committee unanimously concurred, after a most full and close inquiry into the merits of the case, that the Bill was one deserving the sanction of Parliament. It had been made perfectly clear to them that there was existing in London a most dangerous and scandalous state of things with reference to interments, for which there appeared to be no remedy that could by possibility be suggested except some efforts like those of which the plan proposed by this company was one. Several projects had been from time to time suggested; but so far as regarded any efforts of the Board of Health to supply the existing wants of the metropolis, he believed it was quite admitted by all parties that any powers they had for that purpose had been tried without effect, and that, if this Bill were not carried, it would be perfectly hopeless to expect any remedy from the Board of Health. He had never seen a Bill more diligently investigated by a Committee than this had been, and there never was one in which the result arrived at had been more perfectly unanimous.

LORD JOHN MANNERS agreed with the statement which had just been made by the right hon. Gentleman, so far as he was in a position to corroborate what he had said. If the noble Lord (Viscount Ebrington) thought the Bill would interfere with the Metropolitan Interments Act, he must say generally that such an opinion was erroneous. On the part of the Government there was no hostility to this Bill. On the contrary, it appeared to him to be, to some extent, calculated to remove the great evils which now existed in the metropolis. He must ask the House, therefore, to reject the proposition of the noble Lord.

MR. T. DUNCOMBE said, he considered it was absolutely necessary that this Bill should be passed along with the Government Bill, for when the Government chose to declare that no more burials should take place in the metropolis, here was the ground provided for the purpose by this measure. He would give the House an instance that had come to his knowledge of what took place under the present system. A gentleman had followed the remains of his nephew to the burial ground of St. Clement Danes, in the Strand, one of the most populous neighbourhoods, and on visiting it about three weeks afterwards he thought he saw the ground disturbed in which his nephew had been buried, and a gravedigger at work there. On going to the place he found the grave was opened —his nephew having died of a malignant smallpox—the coffin was dug up, and the inscription upon it was thrown aside. That was a thing that had occurred a few days ago, and it was only a single instance of much greater atrocities and abominations that were going on in the metropolis.

LORD SEYMOUR said, he should support the third reading of the Bill, because it would provide for extramural interment, and cheapen the cost of interments.

MR. GOULBURN would not oppose the third reading, but thought that care ought to be taken that when the general provisions of the Act, which involved the purchase of cemeteries, came into action, there should be some check imposed with reference to cemeteries of this kind.

SIR DE LACY EVANS said, he considered the measure most important, and knew that it would be sanctioned by a large body of the inhabitants of the metropolis.

MR. HENRY DRUMMOND was perfectly satisfied that the Bill should pass, as the rights of the poor people on the ground were completely protected.

Question, "That the words proposed to be left out, stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

EMIGRATION FROM IRELAND.

MR. F. SCULLY wished the right hon. Secretary for the Colonies to inform him whether it was the intention of Her Majesty's Government to apply any portion of the large funds recently received from Australia in aid of emigration from Ireland to that colony; and, if so, whether any part of those funds would be applied in assisting emigration of well-conducted youths from the Irish workhouses?

SIR JOHN PAKINGTON said, that the best answer he could give to the first portion of the hon. Gentleman's question was to state that the practice of the Emigration Commissioners had been to send out emigrants from the different portions of the United Kingdom as nearly as possible in proportion to the population of each; but, in consequence of some difficulty in finding the necessary number of emigrants from Scotland last year, it happened that at this moment the Irish proportion of emigrants was in advance of the proportion which had been sent out from England and Scotland to the extent of 6,000 persons. Under these circumstances, the course which the Commissioners would have taken in ordinary times would have been to send out no more emigrants from Ireland until the proportion from the different branches of the Kingdom was fairly adjusted; but, in consequence of the extraordinary state of things which existed at this moment, the Commissioners were not taking that course. On the contrary, their selecting agents were at present in Ireland making arrangements for the emigration of a certain number of Irish families; but a preference was given to families in which the females were more numerous than the males. He begged to remind the hon. Gentleman that in 1850 no fewer than 4,000 young women were sent out to the colonies from the Irish workhouses; but it appeared that the colonies did not like the emigrants so received, and, consequently, that practice would not be again resorted to. With respect to the hon. Gentleman's second question, he begged to say that as the Commissioners had resolved to give a preference to emigrants with families, it would be inconsistent with that regulation to select young men from the Irish workhouses.

PUBLICATION OF MONTHLY PAPERS.

MR. SCHOLEFIELD begged to ask the hon. and learned Attorney General what steps had been taken to try the question raised by the Board of Inland Revenue, as to the right to publish monthly papers at other periods than "the first day of every calendar month, or within two days before or after that day," according to the terms of the Act 60 *Geo.* III., cap. 9? The House was probably aware that certain persons in Scotland and in this country were in the habit of publishing monthly newspapers in the middle of the month; a practice the legality of which, it appeared, was questioned by the Government. One newspaper had accordingly been started for the express purpose of testing the point, and inducing the Government to try the question. The Board of Inland Revenue had sent a letter to the publisher in the usual form, protesting against the publication; and the solicitor to the publisher had returned an answer, declaring his willingness to accept the service of a process. The Board of Inland Revenue, however, instead of acting against the party at once, had allowed the matter to remain in abeyance; a state of things, he need hardly say, which was highly inconvenient. He therefore wished to know what steps the Government intended to take in the matter?

The ATTORNEY GENERAL said, that in order that the answer might be satisfactory, it was necessary that he should give a short explanation. Upon the 60 *Geo.* III., the Act of Parliament to which the hon. Gentleman's question referred, it was enacted that any paper or pamphlet containing public news, intelligence, or occurrences, or remarks thereon, and published periodically at intervals not exceeding twenty-six days, should be deemed to be a newspaper, and liable as such to the stamp duty. In the same Act it was provided that papers liable to the stamp duty, namely, papers published at longer intervals than twenty-six days, must be published on the first day of every calendar month, or within two days prior or subsequent to that day, otherwise they would be liable to a penalty of 20*l.* Now, the object of that enactment he took to be to prevent the proprietor of a paper which was not liable to the stamp duty, in consequence of being published at longer intervals than twenty-six days, resorting to the expedient of publishing the same paper, in point of contents, but with a different title in the intervening period of time with the view of evading the duty. With respect to the Stoke-upon-Trent paper, to which the question of the hon. Gentleman, he believed, referred, it was undoubtedly not liable to the stamp duty, because it was published at longer intervals than twenty-six days; but it was liable to the penalty of 20*l.*, by reason of its not being published at the period prescribed by the Act of Parliament, and, the attention of the Inland Department having been called to that circumstance, a letter was sent to the publisher of that paper informing him that he had infringed the Act. As the hon. Gentleman had stated, the reply received was a sort of invitation to prosecute; but inasmuch as there had been no evasion of duty, as the revenue had not suffered at all, and as all that the party had rendered himself liable for, was a penalty of 20*l.* on the information of the Attorney General, he certainly did not think it inconsistent with his duty to abstain from filing an information under all the circumstances. The hon. Member for Montrose (Mr. Hume) had on a recent occasion contrasted the conduct of the Inland Department in the case of the *Dunfermline News* with their conduct in the case of the Stoke-upon-Trent paper. He begged now to state to his hon. Friend, that it appeared that the publisher of the *Dunfermline News* had, for the purpose of evading the duty, resorted to the contrivance to which he had referred, of publishing the same paper under a different title in the middle of the month. Proceedings had accordingly been taken in Scotland to call the party to account for having infringed the law in that respect; and he begged to add, that if the publisher of the Stoke-upon-Trent paper should pursue the same course, he (Attorney General) should feel it to be his duty to file an information against him.

FOREIGN AFFAIRS—CONSTITUTION OF SPAIN.

Mr. FORBES MACKENZIE having moved that the House at its rising adjourn till Monday,

Viscount PALMERSTON rose, pursuant to notice, and said: Sir, I wish to claim the indulgence of the House for a very short time, in order to draw their attention, and the attention of the Government, to reports which have been some time current of the exercise of foreign influence for the purpose of bringing about a change, if not an abrogation, of the Constitution of Spain. My opinion is, that constitutional monarchy is the best form of government that has ever yet been invented by the wisdom of men. By constitutional government, I mean monarchy tempered in its action and assisted in its functions by the co-operation of a Parliament. It appears to me, that such a form of government, while on the one hand it secures to a nation that public freedom which cannot be expected from a pure despotism, on the other hand, gives and affords to private individuals that freedom of action within the limits of law which is too often not enjoyed by them under a republican form of government. My belief is that a constitutional monarchy, by affording to property its just protection, encourages industry, and thereby tends to augment the wealth of nations, while, on the other hand, it is also a material instrument in promoting international peace. In a despotic Government, where the destinies of a nation are swayed by a small number of individuals, not responsible to any public body, intrigues, caprice, ignorance and passion are apt to involve the nation where such men govern in all the calamities of war, and also to involve other nations who may be drawn into contact with them in a share of those calamities. Therefore, the existence and spread of constitutional government is a matter of deep importance, not merely to the nations in which that form of government may be established, but also to all other States which may be brought into contact and communication with such nations. I hold, then, Sir, that while constitutional government tends to the internal improvement of each country, it better qualifies each country to perform its functions, and to fulfil its duties as a member of the community of nations. Now, Sir, any man who will cast his eyes over the face of Europe, and viewing it geographically, politically, and historically, must be struck with the great progress which has been made in the diffusion and extension of constitutional government since the beginning of the present century. At the commencement of this century constitutional government was the exception —despotic government the rule; whereas now constitution government may be said to form the rule, and despotic government the exception. At that period England was almost the only country which held out to the world an example of successful constitutional government. She stood like a beacon light amidst the darkness of the waters, pointing out to the other nations of Europe the road to a port of safety and repose. At present the majority of the States of Europe have, more or less—qualify it as you will—in form or substance, the benefit of constitutional government, while those who have it not are comparatively few in number. I lay great stress upon the circumstance which I have mentioned that constitutional government must be looked upon as a great advantage, whatever may be the form in which it exists, and even though in practice it may not at the moment be in actual operation, because where constitutional government exists in form, even though its action may be for a time suspended, yet its free action may be restored by the progress of enlightenment, by the force of reason, by the effect of public opinion, legally and without confusion, whereas when once the form has been abrogated, the liberties of a country cannot be restored without the upheavings of a revolutionary movement.

Now, Sir, among the countries which are at present in the enjoyment of constitutional government, perhaps the most remarkable are Portugal, Spain, Prussia, Sardinia, Greece, Denmark, and Belgium; and most of these States have obtained the advantages of constitutional government within a comparatively recent period. With regard to Sardinia, Greece, Prussia, and Denmark, the change was produced by internal and domestic arrangements, without any direct interference on the part of any foreign Power. In Greece, indeed, the form had been recommended by the Three Powers from the earliest moment of Grecian independence; but the immediate change was brought about by a rising of the people themselves, irritated at the long delay that took place in conferring upon them the advantages they had been led to expect. But in Belgium, Portugal, and Spain, the change was mainly assisted by the influence, and even by the direct interference, of the British Government; and I think the British Government conferred a great and deep obligation upon the people of those countries by the part which they then took. With regard to the States which have not a constitutional Government, the only important countries still under despotic rule are Russia, Austria, the dominions of the Sultan, and the dominions of the Pope. I believe I may also add Tuscany to the list, because, although the Grand Duke did grant a constitution to his subjects some two or three years ago, I think that latterly—pressed, as I believe, by external influences—he has abrogated that constitution. I do not include Naples in the list of countries which have not a constitution, because, as far as I am informed, the constitution which the King of Naples gave to his subjects about three years ago, although practically suspended, has not in point of form been abolished. Now, Sir, there came to our shores a very short time ago a distinguished, enlightened, and intelligent Prince, a member of the Royal Family of Naples. That Prince will have an opportunity of seeing with his own eyes, during his visit to this country, that order may be maintained without martial law; that prisons may be sufficient for their purposes without being turned into places of torture—without being converted, if I may say so, into so many charnelhouses; and if those who came into communication with this distinguished Prince used that frankness and freedom of truth which ought to be observed in an intercourse even with princes, I am satisfied that when he returns to his native land he will be able to inform those to whom such information may be useful, that if they wish to re-establish that cordial good feeling between the people of the two countries which is the surest and best foundation of international alliances, that system of persecution, of oppression, and of illegality, which has rendered the Neapolitan territories a byword among the civilised nations of Europe, must necessarily cease to be. Now, Sir, I have said that the English Government had a great share in establishing in Portugal and in Spain that constitutional form of government which has already contributed so much to the prosperity and welfare of Portuguese and Spanish nations. I am sure that any man who has of late years visited the Peninsula, and who was at all acquainted with the state of things which before existed, must have been struck with the vast improvement and the rapidly and annually increasing progress which those two kingdoms evince.

Now, Sir, it is a maxim in physics that action and reaction are equally opposite, and to a certain degree that maxim is true also in regard to political affairs. In the year 1848 there was a great outburst in Europe of long pent-up discontent, and many Governments, struck to the heart with terror, were induced in the momentary panic to make to fear concessions far greater than those which they had long refused to the calm and steady voice of reason. The crisis passed away; the fear vanished; and then came the reaction, and that reaction, I am afraid, is still continuing with unabated vigour. There are two parts of Europe to which I fear that reaction is particularly applied at the present moment—I mean Sardinia and Spain. Now, Sardinia may be held up to the world as the embodiment of the success of Parliamentary Government. The constitution was given to the people of Sardinia by the spontaneous act of their sovereign; and during the short period—only two or three years—for which that constitution has been in force, nothing can exceed the harmony with which the Sovereign, his Ministers, the Parliament, and the people have co-operated for the public and national good. Now, Sir, it would be indeed a calamity if that constitution were to be overthrown. I will not pretend to know or to guess whether certain events which have recently occurred in Sardinia do or do not indicate that influences are at work for the purpose of overthrowing that constitution; but it is manifest that to those who are conscientiously imbued with a conviction that the political principles on which that constitution is founded, are vicious and erroneous, the existence of such a state of things must be an eyesore. Now, Sir, I do not ask Her Majesty's Government to step out of their way for the purpose of undue interference in the affairs of any foreign State; but thus much I take leave to say, that, considering the great political and commercial interests which this country has in the maintenance of the independence of the Sardinian Monarchy and in its prosperity, I do hope the Sardinian Government will never apply in vain for the countenance, the support, and even the counsel of the Government of Great Britain in moments of difficulty and danger.

Viscount Palmerston

Now, with regard to Spain, the same opinion prevails. It is thought that external influences are at work for the purpose of inducing a material and fundamental change in the Government of that country. I may, no doubt, be met with the reply, that any apprehension of that sort is vain and groundless; that there is no nation in the world so jealous of foreign interference as the people of Spain; and that the Spanish people may be safely left to take care of their own interests. Now, if that were said with regard to France or with regard to Germany, I should implicitly acquiesce; because we know that the people of Fraece, and the Germanic nation, would neither accept nor permit—far less would they solicit—interference of any sort or kind, the most distant or remote, with respect to their internal affairs. But, though the Spanish people are proverbially known to be, perhaps, the most jealous of foreigners of any nation in the world, it does so happen that, from political circumstaces which it is unnecessary for me to enter into, there is probably no country or Government which has, for a long course of time, been more frequently and more importantly swayed by external influences than the Government of Spain. If all parties could agree to leave Spain or any other country entirely to itself, every one ought to observe and obey such a rule; but if influences of one kind are at work for the purposes of producing what we think evil, then I say there can be no rational objection urged to the exercise of influences of another kind, with the view of counteracting that evil, and of procuring or maintaining good. Sir, I am not disposed to think that there is any great foundation for the reports to which I have alluded. At least, there is no great apprehension that, if these reports be true, the influences in question could operate any material or injurious results; because, at the head of the Spanish Government, holding the highest place under the Spanish Crown, is a distinguished statesman, who, I know, looks back with just and honourable pride to that treaty of Quadruple Alliance which he took so great a part in framing and in concluding, and which no doubt was the foundation upon which the constitutional Government of Spain as it now exists has been based. I cannot, therefore, for a moment entertain the belief that that noble statesman would consent upon any conditions whatever to reverse his own work, and to undermine that fabric which is based upon foundations so honourably laid by himself. But, nevertheless, one man or one set of men are not sufficient to secure the destinies of a great country. I may be asked what it is that I wish from Her Majesty's Government, and what is the specific object with which I have drawn their attention to this matter. Why, Sir, we are often, I believe, mistaken in the estimate we form of men and things in foreign countries; but foreigners are also most grievously mistaken, in some respects, in the estimate which they form of men and things in this country. There is a prevalent opinion on the Continent that with every change of Ministry here there is a great and entire change in the foreign policy of the country. Sir, I hold that to be a complete error. We, all of us, divided as we are into political parties of every possible shade of opinion, may be at variance upon domestic matters; and the opposite parties in the country frequently take different views of particular and detailed transactions of foreign policy, or of the manner in which the general foreign policy of the country may be caried out; but the great outline of the foreign policy of England is, if I may so, stereotyped. It is guided by the great and permanent political and commercial interests of this country. It can never vary in principle, although it may no doubt vary in its detailed application to cases which may arise. Making, then, these observations, not in any spirit of hostility to Her Majesty's Government, not even in any spirit of distrust of Her Majesty's Government, in regard to the matters to which my observations apply, and certainly not in a spirit of enmity to any foreign Power whatever, but believing that a crisis may be impending over Spain — deeply impressed with the vast importance, not only to Spain herself, but to this country, and I may say, to the whole of Europe, which attaches to the maintenance in Spain of the constitutional Government which, after such a struggle, has been established there—convinced as I am, that if any cause whatever were to overthrow that Government, its overthrow would only be the first scene of a new tragedy which, through the desolation of the country, through the immolation of a vast number of victims, through the destruction of all or the greater part of the bravest and most eminent men of Spain, would at last lead to nothing less than the overthrow of that fabric so temporarily established, and to a revival of the system of liberty, under perhaps a somewhat different form — being convinced of these truths, believing and knowing that great weight attaches in Europe to the knowledge of the disposition and feeling of the British Government—being perfectly persuaded, that however much the gentlemen who now fill the offices of Government may differ from those with whom I have acted upon these matters of detail, they, nevertheless, attach no less importance than we do to the maintenance of constitutional government in countries allied to and in political relation with England, my object is to elicit from Her Majesty's Government some declaration or statement of opinion upon these points which may disabuse those persons on the Continent who think that the arbitrary system will receive the countenance of Great Britain under the present Administration; and I, therefore, hope that the security which is derived from the fair influence of the British Government on the liberal cause of constitutional government in Europe, may on this occasion receive some support by a declaration from some Member of Her Majesty's Government.

The CHANCELLOR OF THE EXCHEQUER: Sir, I have listened with the attention which the importance of the subject and the high character of the individual who has addressed you naturally commanded, to the observations of the noble Lord; but I cannot help contrasting those observations with the remarkable notice which I find upon the paper to-day. The noble Lord has there intimated that he will "call the attention of the Government to reports which have lately circulated in Europe as to the exertion of foreign influences with a view to effect changes in the constitution of Spain." Now, the noble Lord has not favoured us with any enumeration in detail in reference to these reports, nor has the noble Lord informed us as to what foreign influence, or to the influence of what foreign Powers, he adverts. Certainly it may be agreeable to the noble Lord, or to any Member of this House, to elicit general declarations of opinion upon subjects of this importance from those who may be administering the government of the country; but, as a general rule, I should have thought it was extremely inconvenient that a Minister should be called upon in his place in Parliament to express such opinions without some facts or reasons being brought before the House to justify so unusual an appeal. There may have been, and there may be, rumours of the nature to which the noble Lord alludes; but at present no one can point to any facts leading to the conclusion that any foreign Powers have combined, or are combining, to effect a revolution in the constitution of Spain. If, therefore, I touch upon this subject, I do so that there may be no misconception in the minds of hon. Members, after the appeal of the noble Lord, of the feelings of Her Majesty's Government upon this important question. And here I may be permitted to mention to the House a circumstance which occurred when we first acceded to power, and which will at once evince the feeling of the Government with respect to the constitution at present existing in Spain. Her Majesty's Minister at Madrid at that time was a noble Lord who had been promoted to that high office by our predecessors in the Administration; and that noble Lord thought it his duty, under the circumstances of a change of Government, to offer to Her Majesty the resignation of his post; but, considering—as we did consider—the high character and abilities of that distinguished individual, his acquaintance with the Spanish character, and his sympathy with the cause of constitutional government in Spain; believing, also, that he was one who, if any exigency occurred, might approach with friendly counsels the Government, or even the Throne of that country, we humbly advised Her Majesty not to accept his resignation. The noble Lord, therefore, continued in his post, and, so continuing in his post, has pursued the same policy he had hitherto pursued. That noble Lord, I am sure, from the instructions he has always received from us, will not violently or actively interfere or interpose in the Government of Spain—he will not take any steps which might justly excite jealousy on the part of the people of that country; but I am also equally satisfied that the noble Lord will never look with an eye of unconcern upon any attempt, especially on the part of a foreign Power, to interfere with the domestic government of Spain, or to assail those free institutions which have been established mainly by English influence and by English arms, and which we believe have, on the whole, greatly conduced to the welfare and progress of that country. I am quite sure also that that noble Lord, though he would on no account take a course which would be hostile to the feelings of the people of Spain, would never be slow in that friendly counsel which I think it would be his duty, under those circumstances, to offer to the Spanish Government.

Sir, I do not undervalue the effects of the Quadruple Treaty. This I would venture to say on the part of Her Majesty's Government, that if there be persons—especially if there be any foreigners, as I am to infer from the address of the noble Lord this evening—who are attempting to disturb that system of government which has now for some time existed in Spain, and has existed on the whole for the general benefit of that country—if there be persons of that kind and of that description who are exercising those influences, all I can say is, that we hope that those who are most interested in the Throne of Spain will remember the circumstances under which the present dynasty occupies that throne; and that the question will naturally arise, and will generally be asked—if the system, the ancient system, which was subverted in Spain, is to be restored, why then should not the Spaniards recur to the dynasty which was also subverted, and why should they (whether it be in Spain or in Portugal) not be brought back to the positions which they have forfeited, if the system with which they were identified is to be restored, and is to be pursued? I make this as a general observation in reference to the surmise of the noble Lord; but I must express my confidence, notwithstanding the noble Lord has dilated upon these rumours—and I cannot believe that one of the vast experience and great acuteness of the noble Lord would have touched upon the subject without some reasons sufficient for his own conviction—I must express my opinion that, notwithstanding these rumours, and notwithstanding the vain theories of a few individuals, the persons who exercise the greatest influence in Spain are persons who are resolved to uphold the constitutional system that at present prevails; and I believe the influence of their counsels and the exercise of their power to be such as gives me every hope that none of those painful consequences to which the noble Lord adverts as possible will happen in that country. Sir, if I take a general view of the working of the constitutional system in Spain, although I am not myself prepared to eulogise in such unmeasured terms the constitutional systems prevalent in Europe, as the noble Lord; still I must say this of the constitutional system prevalent in Spain, that it has been strictly a domestic system; that the constitution has been developed for the purposes and advantages of the subjects of her Spanish Majesty; and that there has never been any attempt at an offensive propagation from that country into other countries. I think the same observation may be made also with respect to Piedmont—another instance to which the noble Lord adverted, as a country also subject to these myterious dangers and these prevalent rumours. There is no doubt that in no modern instance has the Parliamentary system been more successful than in Sardinia; and there has also been that absence of propagation of their political system into other countries, which generally is a symptom of the want of success of the constitutional system in the country itself. I do not know that I need say more on the present occasion. I am quite sure the noble Lord would not have taken the step he has taken, especially in the present state of the public business, without feeling that he was justified in doing it. I trust the House will not be led into any discussion upon this subject. I trust the House will give Her Majesty's Government credit for wishing to carry on the foreign affairs of this country in that spirit which will respect the rights of nations, and which, in respecting the rights of nations, will, they believe, best secure the blessings of general peace. I do not know from whom these menaced dangers are to occur, whether these violent courses, these fatal consequences, upon constitutional Governments are to arise from the jealousy of monarchs, or from the violence of multitudes; but this I hope, that after the experience of 1848, after the humiliating catastrophes incurred both by monarchs and multitudes in that and succeeding years, I hope that they have learnt this lesson—that the present existing civilisation is opposed to all extreme opinions. In my opinion, both sovereigns and people, in every instance, have escaped considerable perils, great though may be the cost; but of this I feel convinced, that whether it arise from the highest or from the lowest quarter, whether it be from despotic monarchs or from Red Republicans, the spirit of disorder if it again arises in Europe, will not so speedily be allayed.

Sir De LACY EVANS said, that, remembering that the representatives of Russia, Austria, and Prussia had come to put down constitutional government in Spain, when he was in that country—remembering how they subsidised rebellion against the constitution—he felt that the most vigilant attention was required on the part of the Government of this country to maintain and preserve intact the free constitutional system of government which had been fortunately successfully established in the Peninsula.

House at rising to adjourn till *Monday* next.

MILITIA BILL.

Order for Committee read.

House in Committee.

Postponed Clause 25 (So much of the said first-recited Act as authorises Her Majesty to order and direct the Militia, or any part thereof, to be drawn out and embodied in cases of Rebellion and Insurrection, shall be repealed).

The CHANCELLOR of the EXCHEQUER said, that the clause having been objected to on the previous evening by the hon. Baronet the Member for Bedford (Sir H. Verney), and a preponderating objection appearing to exist among hon. Members with respect to the clause, Her Majesty's Government did not intend to insist upon passing it; he would therefore move that it be struck out of the Bill.

MR. BRIGHT complained of what he might call—without offence—the shuffling conduct of the Government with respect to the clause. This clause formed, on the introduction of the Bill, a most important feature of the speech of the right hon. the Secretary of State for the Home Department; but now, when it was found convenient to the Government, and when it had answered its purpose, this important clause was got rid of. It was his belief that the right hon. Gentleman had never had the slightest intention of passing the clause. If when the hon. Member for Bedford had moved the omission of the clause, the right hon. Gentleman had shown anything like the determination which he had manifested with respect to the other parts of the Bill, he would easily have carried it. He trusted that the right hon. Home Secretary would not lend himself to this proceeding, for when he introduced the Bill he referred to this clause as showing that the measure was not intended for the repression of public opinion, but entirely for the purpose of defence. This was one of the tricks of a Government which were not remarkable for their straightforwardness and for their character for aboveboard dealing, and its object was to secure support for an obnoxious measure. He (Mr. Bright) had been in the House of Commons nine or ten years, and had seen three Cabinets on those benches; but whether he referred to the dignified Government of Sir Robert Peel, or to the general truthfulness of the noble Lord lately at the head of the Government, he was compelled to draw a contrast very unfavourable to that of the right hon. Gentleman the Chancellor of the Exchequer. He should be glad if the right hon. Home Secretary would tell them what now became of his argument fouunded upon this clause against his (Mr. Bright's) Amendment with regard to the oath; for it was very likely that but for those arguments that Amendment might have been carried. He might remonstrate with the right hon. Gentleman and the great majority of the Committee; but they could take any course they pleased. After the various occasions in the last two months, during which they had had explanations which had been explained again the night afterwards, with variations of opinion of every kind, he put it to the Government whether their character was likely to be improved in any degree in the estimation of the House and the country if proceedings like this were to take place. After the whole of the enacting clauses had been passed, except the 28th, they withdrew one of the most important clauses of the Bill—the one on which they had endeavoured to persuade the House that the Bill was one for defensive operations only, and had no reference to the state of things in this country. If they withdrew this clause, the irresistible conclusion would be that these 80,000 men were in reality meant to repress any interruption of the public peace that might arise, should the Government be bold enough or reckless enough to carry out that policy which they had adopted when in opposition.

The CHANCELLOR OF THE EXCHEQUER said, that the consolation of the Government under the attacks of the hon. Gentleman must be the conviction that a belief in their truth was not shared by any considerable numbers. The very argument which the hon. Gentleman had used against his (the Chancellor of the Exchequer's) right hon. Friend the Secretary of State for the Home Department—that he had founded a recommendation of the previous clauses on the clause now under discussion—proved the sincerity of his right hon. Friend at the time when he made that declaration. Of course, if he had supposed that the clause would not remain in the Bill, he would not have founded any argument upon it; but his right hon. Friend had given up the clause with reluctance. Any one who could judge of the temper of the Committee must have seen that, on the subject of the omission of that clause, there was a very preponderant opinion. He hardly remembered any instance in which the similarity of opinion was more general. He could not agree that this was an important clause. It might be important in the eyes of a Gentleman who supposed the Government had introduced it in order to guard themselves from the consequences of some hypothetical policy which he imagined they were going to pursue. No doubt, if they had that profound prescience which the hon. Gentleman had, they might probably find, even in the clauses of a Militia Bill, some support for the future policy of the Government. But he really thought that that was a play of the austere fancy of the hon. Gentleman. This clause had been brought forward in a sincere spirit, and the Government was prepared to support it. It was not in consequence of a single objection from that side or the other which led to the relinquishment of the clause. The hon. Gentleman had not been on that occasion so keen an observer of the temper of the Committee as he usually was, or he would have found that the objections were much more numerous.

Mr. BRIGHT: Not before the right hon. Gentleman offered to postpone the clause, but after.

The CHANCELLOR of the EXCHEQUER said, he had not asked for an opportunity of postponing the clause till convinced that a large majority of the Committee were opposed to it. Under those circumstances he had taken the usual course—of asking leave to postpone the clause, instead of moving, as it was open to him to do, that the clause should be omitted. He had since taken the opportunity of ascertaining what was the feeling of the Committee upon that clause, and he was convinced that it was utterly vain to attempt to carry it.

Mr. MILNER GIBSON said, that the noble Lord lately at the head of the Government had once remarked of a distinguished statesman, now no more, that no one knew so well how to dress up a statement for the House; and he conceived that some pains had been taken to dress up this Bill, so as to put it in a popular shape before the House. It appeared to have been supposed in the Cabinet, as they had an unpopular measure to pass through the House, that some Members of the Opposition might be quieted if votes were given to the militia; and if it was understood that the militia would not be drawn out to put down insurrection, it was an insult to the House not to submit the measure, in a bold and manly way, in the form in which it was intended to pass. The proposal for giving votes to the militia, and not calling them out in cases of insurrection, were the conceptions of Ministers themselves; and after hon. Members on his (Mr. M. Gibson's) side of the House had been induced to withdraw their opposition, in consequence of one of these proposals, they had a right to complain of its withdrawal. This course savoured a little of that peculiar practice which was known by the name of jockeyship, and was sometimes resorted to to carry things indirectly which it was awkward to carry in a straightforward manner. This course reflected discredit on the Government. The whole country had looked on the proposal to give votes to the militia as a very foolish one; and the clause for not calling them out in cases of riot had been hammered on the same anvil. It also reflected discredit on the Government. As the militia was now to be called out in cases of insurrection and rebellion, he wished to know what kind of insurrection they were to be used in? Was it a resort to arms, or an expression of opinion at a public meeting? Under what circumstances would the Government think themselves justified in bringing out these 80,000 men? What was the species of popular movement which they would be called on to suppress? Would Parliament necessarily be called together first? He should be glad to have these two questions answered by the right hon. Home Secretary—what he conceived to be a legitimate occasion for calling out and embodying these 80,000 men, in reference to the internal affairs of the country; and whether it was part of the law that Parliament should first be called together, if not then sitting?

Mr. CLAY trusted that the clause would be retained. He believed that a rebellion in this country was purely impossible. The Government were not afraid of the people, and wanted no force to put them down; the clause was, consequently, of little importance. But as it had been introduced, it would be unwise to withdraw it, as it would give colour to the accusation against the Government—of being desirous to put down the popular demands. Experience had proved that the police force and the regular Army were far better adapted to act in cases of insurrection.

Mr. JACOB BELL said, he did not believe that any trickery had been designed in introducing or withdrawing the clause; still less did he suppose that its withdrawal would cause any great amount of dissatisfaction in the public mind. But the omission of the clause placed the Bill under an entirely new aspect. It had been introduced as a precautionary measure. I was now generally admitted that there was no danger of an invasion; and the first effect of this precautionary measure had been to induce the French to add 80,000 to their Army. So that, while we had got 80,000 militia, who would not be embodied till next year, there were 80,000 additional regular troops in another country. While we continued setting examples of this kind, we might expect such to be the result. It had been said that nothing was more likely to provoke invasion than disaffection at home; and he thought nothing was more likely to create disaffection than setting a militia force over the people. After we had so recently demonstrated to foreigners the fact that order could be preserved without armies, it was most unwise to follow the example of Continental kingdoms, who only preserved order by means of armies. It was his conscientious conviction that the Bill would have a very prejudicial effect on the public mind in reference to those who had so strongly advocated it; and if the opponents of the Bill had succeeded in throwing it out, they would have done the Government a service.

Mr. MOWATT thought it desirable that the Government should state the reasons which had induced them to withdraw this clause. He had viewed the clause with great satisfaction—first, as showing that the Ministry thought any outbreak as so far improbable that it needed not to be taken into account at all. Of all species of force to be employed against the people in case of insurrection, militia or volunteers were the most objectionable. It was always better to employ regular troops, who had no connexion whatever with the locality. The withdrawal of the clause would damage the Bill and also the Government by showing that they had not that confidence they were supposed to have in the people of this country.

The ATTORNEY GENERAL said, that his right hon. Friend the Chancellor of the Exchequer had a few minutes ago stated the reason of the Government for withdrawing the clause—that the intimation of the Committee's opinion was so strong, and so impossible to be mistaken, that it was perfectly clear the Government could not succeed in maintaining it as part of the Bill. The clause being admittedly unimportant, and the Government seeing that there was a predominant feeling against it, it was unquestionably their duty to yield to that feeling, and, even against their inclinations, to withdraw the clause. As to the question of the right hon. Member for Manchester (Mr. M. Gibson) the Committee must first decide whether the clause was to form part of the Bill before any necessity arose to answer the question. The clause repealed part of the 42 *Geo*. III., which related to calling out the militia in cases of rebellion or insurrection: if the clause were struck out, it would be quite unnecessary to give any definition at all; if it remained part of the Bill, the occasion could never arise when the militia could be called out for this service; therefore any definition of the term insurrection was wholly unnecessary. If the clause were struck out, they were referred back to 42 *Geo*. III., where the term "insurrection" had stood for many years; and no doubt the right hon. Gentleman was able to define without difficulty the occasions on which the services of the militia might be required under the terms of that Act. At all events, the Government ought not to be called on to provide the right hon. Gentleman with a definition. As to the second question, whether it would be necessary to call Parliament together, the 111th Section of the 42 *Geo*. III. provided that in all cases of invasion or imminent danger thereof, and in all cases of rebellion or insurrection, it should be lawful for His Majesty, the occasion being first communicated to Parliament, if Parliament were then sitting, or declared in Council, and notified by declaration, if Parliament were not sitting, to order and direct the Lords Lieutenants of counties to embody the militia. That would be an answer to the right hon. Gentleman. Supposing this clause struck out, that portion of the old Act would operate.

Mr. J. EVANS said, the clause was an entirely exceptional one, not found in any other Militia Bill, but introduced here for the first time. It was for the Government to state why it had been so introduced. The clause had been regarded as a redeeming feature in the Bill; the right hon. Home Secretary had founded his arguments on it; and now the leader of the House stepped before him, made an admirable speech, and prevented the right hon. Gentleman from answering the question put to him. In the absence of any answer, the Committee would only put their own construction on the motives with which it had been introduced. A dissolution was approaching. [*Cries of* "Question!"] He apprehended he was speaking to the question before the Committee. They were about to appeal to the country on the great question of free trade, and it was very likely the right hon. Home Secretary, in drawing up the Bill, might have said this was a question affecting the people generally, and likely to raise a great commotion in the country, and hence he must take precautions lest it should be said he was resorting to undue influence. He had, therefore, introduced the clause with a view to render the Bill more palatable to those likely to oppose it. He would not go so far as to say that the right hon. Gentleman intended from the first to withdraw the clause; he had seen nothing in the public conduct of the right hon. Gentleman to warrant such a supposition. But the right hon. Chancellor of the Exchequer came forward and said there were so many murmurs of disapprobation against the clause, that the Government had been induced to withdraw it. Had it not been introduced at all, it might have been a matter of little consequence; as it was, it ought to be retained, having been mainly relied on by the Government in supporting the Bill.

Mr. PACKE said, he did not think the motives of the Government in introducing or withdrawing the clause were of any consequence. It was in obedience to the majority of 200 of the preceding night that the Government had acted in withdrawing the clause. It was perfectly monstrous to say that a regiment, raised for the defence of the Crown, should be prevented by Act of Parliament from acting in the case of rebellion or insurrection. He could not help asking also of what use was it to refer the Bill to a Committee, if the Government were not at liberty to amend it?

Mr. BRIGHT said, that in comparing the 111th section of the 42 *Geo.* III. with the oath prescribed by the present Bill, there appeared to him to be an inconsistency. By this Bill the militiaman was called upon to swear that he would serve in any part of the United Kingdom; but by the 111th Clause of the Act he had just mentioned, it was provided that the forces should be taken into any part of Great Britain: the distinction was obvious between serving in the United Kingdom and serving in Great Britain.

The ATTORNEY GENERAL thought the hon. Gentleman had overlooked a more recent Act, that of the 54 *Geo.* III., called the Interchange Act, by which the militia might be removed from one kingdom to the other. He would there find that the oath prescribed to the militiaman was the same as that which was inserted in the present Bill.

Mr. BRIGHT said, he had given a great deal of attention to the subject, and he was convinced that difficulty would arise.

Mr. G. THOMPSON said, he must complain that the right hon. Home Secretary had given no answer as to the reasons which had induced him to insert the clause at first. An hon. Gentleman opposite (Mr. Packe) said the motives of Government were of no consequence, so long as there was a majority of that House in favour of the omission of the clause. He contended that there was no such majority, until the Government announced the contemplated withdrawal of the clause. The withdrawal of this clause gave the Bill an entirely new aspect, because under it men would be called upon to serve for a totally different object than that which had been stated. The Government had obtained their majorities on the supposition that the men who enrolled themselves in the militia would not be called out except to repel a foreign invasion, whereas now they would be liable to be called on to put down their own countrymen. [*Cries of* "Divide!"] As an hon. Gentleman did not wish to have the clause discussed, then he would move that the Chairman report progress.

Mr. BRIGHT said, it must be admitted that, whatever might be the degree of importance attached to the clause itself, the fact of its having been introduced into the Bill by the Government, and then afterwards withdrawn by the Government, was of sufficient importance to make the clause deserving of the attention of the Committee. He hoped that his hon. Friend would be allowed to go on with his argument, although he was aware that this was an hour when hon. Gentlemen were called on to go elsewhere.

Mr. G. THOMPSON would assure the Committee he did not wish to trespass upon their attention beyond what was necessary for the expression of his honest opinion. The right hon. Chancellor of the Exchequer had said that the right hon. Gentleman the Home Secretary had withdrawn this clause with reluctance. The clause was one which must have occupied the attention of the Government, and could not have been adopted by them without the most deliberate consideration, and the most solid judgment of its propriety. Now, what he wanted to know was, first, what were the reasons which induced the Government to introduce the clause into the Bill; and, secondly, what were the reasons which had since induced them to withdraw it?

Mr. WALPOLE said, he would answer both the questions which had been put by the hon. Gentleman, and that with perfect sincerity. First, the clause was introduced into the Bill because the Government thought (and none more strongly than himself) that they ought not to raise by this Bill any other force than that of a defensive force—a force not to be used except to resist foreign attacks. That was the reason why the clause was introduced into the Bill. He could assure the Committee that until they had come to the clause last night, he, for one, had wished to retain it, because he thought there would be a great advantage in not calling out the militia for the purpose of suppressing any insurrection or rebellion that might take place; but when the Committee came to the clause, a strong opposition was raised to it, not only by the Opposition side of the House, but by hon. Members on the Ministerial side, and communications were made to the Government from all quarters respecting it. He could assure the Committee that it was merely out of deference to what he believed to be the predominant opinion of the Committee that he had given up, and he would say reluctantly given up, this clause of the Bill.

Sir HARRY VERNEY wished to say that when he suggested last night that the clause should be omitted, he was surprised it should have met with so much approbation on both sides of the House. His sole object originally was to call attention to what he conceived was an interference with the prerogative of the Crown.

Mr. BRIGHT said, that, after the explanation of the right hon. Gentleman, he felt bound entirely to withdraw the expression of opinion he had given utterance to—namely, that the right hon. Gentleman had not acted with sincerity in this matter.

Question put, "That this Clause stand part of the Bill."

The Committee *divided*:—Ayes 61; Noes 151: Majority 90.

Clause *withdrawn*.

Postponed Clause 28.

Mr. WALPOLE moved the following Amendment:—

"All the provisions of the said first-recited Act, and of any Act amending the same, not hereby repealed, shall, subject to the provisions of this Act, and so far as the same are not inconsistent herewith, extend and be applicable to the militia to be raised under this Act, and to all the purposes thereof. Provided always, that no ballot, nor any meeting or other proceedings for or in relation to a ballot, shall be had under the said first-recited Acts, and the Acts amending the same, save when Her Majesty shall order men to be raised by ballot as hereinbefore provided; and the militia to be raised under this Act shall be in substitution for, and not in addition to, the militia directed to be raised by the said first-recited Act."

Mr. MILNER GIBSON said, this clause rendered the men liable to all the provisions of the 42 *Geo.* III., and he wished to ask the Government whether they had reconsidered the list of exemptions, or whether they were determined to adhere to the strange and anomalous exemptions under that Act? He could not understand, for instance, the definition of "a poor man having no more than one child born in wedlock." The hon. Member for North Lancashire (Mr. Heywood) had also a very reasonable Amendment, that if the Universities of Oxford or Cambridge were to be exempted, so ought also the Universities of London and Durham, which were not in existence when the Act 42 *Geo.* III. passed. Why, he asked, exempt members of the Company of Watermen? Was it not quite as important to exempt engineers and stokers of steam vessels, who were certainly seafaring men when employed in managing marine steam engines? Exemptions that were suitable in the time of George III. were not suitable in the present day, and, in re-enacting Militia Laws, some reference should be had to the alterations in the circumstances of the times. Having taken the opinion of the Committee upon some of these exemptions, and having been overwhelmed by majorities, he had not confidence to propose anything, but he threw himself upon the mercy of the Government, hoping they would reconsider their determination upon the question. He would like to hear from the hon. and learned Attorney General whether a poor man meant a pauper, or at what income a man was considered poor, and therefore exempt.

Mr. EWART thought the hon. and learned Gentleman ought to comply with the request which had been made by his right hon. Friend (Mr. M. Gibson). He (Mr. Ewart) hoped some reason would be given why Peers should be exempted. The noble Lord (Viscount Palmerston) had stated the other evening there was a reason why Peers should be exempted, and he trusted, therefore, the noble Lord would lay that reason before the Committee. He also considered that Government had given him a pledge on a former occasion that they would consider the claims of the students of the London University to exemption from service.

SIR HARRY VERNEY said, he did not see why Peers should be exempted; and as respected members of the Universities, they were the last persons who ought to be exempted. The students of the German Universities were the first parties required to come forward in defence of their country. The words in the Act 42 *Geo.* III. defined a poor man to be "a man not having more than two lawful children, and property of the clear value of 50*l.* sterling."

MR. HEYWOOD said, the education at the German Universities was a special exemption from serving in the Landwehr. The ordinary service was three years, and a University education served as an exemption for one year out of the three. He hoped the exemptions under this Bill would be extended to the Universities of London and Durham.

MR. MILNER GIBSON said, that the definition of a poor man, read by the hon. Member (Sir H. Verney), applied to the Scotch militia. He wanted to know what was meant by a poor man under this Bill?

The ATTORNEY GENERAL said, he did not think he was called upon to answer the right hon. Gentleman, as to what a poor man was. The Government had proposed to the House a Bill, the effect of which would be to make certain clauses of an existing Act operative with certain alterations, and amongst those clauses was one which provided for certain exemptions. Upon the subject of exemptions, the Committee had had a very considerable discussion, and the opinion of the Committee had been tested with regard to one of those exemptions. A division had been taken, and a large majority had affirmed the exemption. An hon. Member had proposed to insert other exemptions, and the Committee, by a large majority, had expressed an opinion against that addition. The right hon. Secretary of State for the Home Department had declared his intention to adhere to those exemptions—whether without alteration or addition, he (the Attorney General) did not understand—but undoubtedly his right hon. Friend did not wish to strike out any of those exemptions which were to be found in the Act. Under these circumstances, the right hon. Member for Manchester (Mr. M. Gibson) had asked what was the meaning of a poor man? The right hon. Gentleman seemed to consider the deputy lieutenants would have some difficulty in ascertaining whether a child was born in wedlock. He did not know whether the right hon. Gentleman wanted an answer to that question. [Mr. M. GIBSON: No, no!] Then he turned to the definition of a poor man, as well as he could give it. Of course it was impossible to give a definition which would apply to every part of the country. "Poor" was a relative term, and must be taken in connexion with all the circumstances of the person whose state was to be considered. What might be sufficient means in one part of the country, might be very insufficient means in another. A man might be poor in one part of the Kingdom, and not poor in another. This question must be left in some degree at large, and must be left to the deputy lieutenants to decide. He (the Attorney General) thought "a mere unskilled labourer," "a man maintained by his daily labour," might be regarded as a poor man, and probably in the judgment of the deputy lieutenant would be exempt. He was afraid he could not give a more satisfactory definition. He could not pretend to decide; it must be left in a considerable degree to the discretion of the deputy lieutenants. Though he (the Attorney General) was not a deputy lieutenant, and the right hon. Gentleman (Mr. M. Gibson) was, he had a much higher opinion of their discretion, and was more disposed to repose confidence in their discretion, than the right hon. Gentleman, who knew them better than he did. He trusted with this explanation he might retire from the discussion.

MR. MOWATT said, he considered the hon. and learned Gentleman's definition very vague, and wished to give him an opportunity of correcting himself. If a man engaged in gaining his livelihood by his daily labour—an unskilled daily labourer—were to be exempted, that would exclude the great mass of the population, and make it a middle-class militia; the middle class alone would be subject to the operation of the Bill.

The ATTORNEY GENERAL admitted he certainly did say a day labourer. A man earning his living by his daily labour, and maintaining himself and family by the wages of a daily labourer, would be within the exemption, if the deputy lieutenants should think as he did.

Mr. WALPOLE said, in reference to the proposal that had been made by the hon. Member for North Lancashire (Mr. Heywood), to exempt members of the Universities of London and Durham, he could not see why they should not exempt the modern Universities, except that it would be very unadvisable to increase the number of exemptions. He thought it would rather become a question whether they should not include the Universities already exempted.

Sir De LACY EVANS said, the question had been asked why Peers were exempted. He believed Peers were exempted from paying their debts under certain circumstances—so were commoners, and he did not think they ought to be. If the analogy were kept up, commoners ought also to be exempted from the operation of this Bill; but he thought it was a discredit to the peerage that that exemption should exist, because if the ballot came into operation, it was not merely conscription, it was a tax; it led to substitutes; and if it were a tax, no exemption ought to be allowed to the higher classes, who could afford to pay it. Some Gentlemen had intimated an opinion that the cost of substitutes formerly in time of war would be no criterion for the cost in time of peace. Perhaps they would be surprised to hear that the annual tax upon France under the operation of substitutes was estimated, on good authority, to be no less than 42,000,000 francs. The French were accustomed to it, and submitted to it; but that was not so in England. The right hon. Chancellor of the Exchequer, when he presented that Budget which had redounded so much to his credit, particularly commented upon large exemptions of any kind, and he said they were confiscations. If the principle of large exemptions were applied to the higher classes, great inconvenience would result, and perhaps there would be no harm if the Government were to state their intention of reconsidering the subject, for he thought it incumbent on the Government to have as few exemptions as possible.

Sir JOHN TYRELL said the hon. and learned Attorney General had defined very clearly the poor man, and he (Sir J. Tyrell) thought there was no great difficulty in defining the rich man, when he mentioned those gentlemen who, upon a certain occasion at Manchester put down their names as subscribing 1,000*l*. a minute when it suited their purpose. The hon. and gallant Member (Sir De L. Evans) had had some experience of regular militiamen in Spain, and afterwards at Waterloo, and had had great experience of volunteers, near the site of the building in which they were assembled, when he distinguished himself by putting himself at the head of a not very regular force. The hon. and gallant Gentleman had brought forward an annual Motion for exempting persons from corporal punishment, and went so far as to suggest as a substitute the tieing something to their left legs; but when those volunteers had been assembled, he seemed inclined to alter either his opinion or his practice.

Sir De LACY EVANS said, he did not know whether to take the speech of the hon. Gentleman as an attack or a compliment. He was not aware that this clause had anything to do with corporal punishment, and therefore he would not delay the progress of the Bill by discussing that question on the present occasion. With regard to the militia, he was not conscious of having said anything in disparagement of that body, with which he presumed, from the tone of his observations, the hon. Member was connected.

Clause *agreed to.*

Mr. WALPOLE proposed an additional clause, prescribing that the qualifications of officers in the militia might be derived from personal as well as from real estate.

Colonel SIBTHORP said, he had not been aware that there was any intention of bringing up this clause, and he feared that it was intended to supersede the clauses of which he had given notice—to which, he understood, his right hon. Friend the Home Secretary had promised to give his favourable consideration on the bringing up of the Report. The clauses which he (Col. Sibthorp) had intended to propose, rendered it essential that the qualification of officers should be the same as that required by the 42 *Geo.* III., c. 90; whereas, by the Bill as it stood, no qualification at all was required for captains and officers under that rank. Tenants would go out in face of any danger with their landlords; and even shopkeepers and residents in country towns would much rather serve under men they had known all their lives than under any one foisted upon them who had no such associations. He trusted that his right hon. Friend would give the Committee some assurance on this point.

Mr. WALPOLE said, that the clause now proposed by the Government, substituted—not necessarily, however, but only in such cases as Lords Lieutenants might approve—an equivalent income arising out of personal estate to that required by the 42 *Geo.* III. The objection of the hon. and gallant Member for Lincoln was one which he knew was entertained strongly by many; and the best mode of obviating it would be by proposing, when the Bill was reported, that in the third clause the word "captain" should be substituted for "major." That would require captains to have the qualification insisted on by the hon. and gallant Colonel, and he should be most happy to give the propriety of that alteration his best consideration on the bringing up of the Report.

Clause *agreed to.*

Mr. LAW HODGES said, that as the Committee had affirmed the principle of the ballot, he was anxious that they should consider a clause which he had placed on the Votes for some days past. The object of it was to transfer deserters from the militia to regiments of the line, instead of subjecting them to corporal punishment. This, he thought, would in a great measure check desertion, and facilitate enlistment in the line.

Mr. BERESFORD said, he did not think the remedy proposed by the hon. Gentleman was the best to meet the evil of which he complained. It would be very natural for a soldier to feel annoyed if a man were declared unfit for the militia, that he should be nevertheless considered fit for the Army. The proposition of the hon. Member, if adopted, would amount to this: it would be held as a slur cast upon the whole Army, which he was sure no hon. Gentleman would wish to do. In regard to the punishment itself—if a man were found guilty of an offence by a Court-martial, and that the punishment was to be sent abroad for a given time, great expense would be entailed upon the public, and much trouble given to all parties, to no beneficial purpose. They had military prisons, for the punishment of soldiers, when found guilty of an offence by Court-martial. He thought that such a mode of punishing offenders in the militia was much better than sending them to the regular force, particularly as no condemned regiments existed now. He was of opinion that such a system as was recommended by the hon. Gentleman would be a very bad one to introduce.

Mr. LAW HODGES said, he would not press his Motion against the wishes of the Committee.

Clause *withdrawn.*

Preamble *agreed to;* House resumed; Bill *reported* as amended.

NEW ZEALAND GOVERNMENT BILL.

Order for Second Reading read.

Sir J. PAKINGTON moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir WILLIAM MOLESWORTH said, he was much disappointed with the contents of this Bill. After reading it carefully through, and attentively studying its details, the favourable impressions which he had conceivod with regard to it from the speech of the right hon. Baronet the Colonial Secretary had almost entirely vanished, and to the objections which he made on its introduction he had now many others to add. He had not only to object to an Upper House composed of Members nominated for life, and to the superintendents being nominated by the Governor, and not elective, but he found that the provincial councils were not municipalities, but positive Legislatures, and that there were to be municipalities in addition to the provincial councils. He found also that one of the most obnoxious powers of the Colonial Office, which the right hon. Baronet stated that it was his intention to abandon, had been substantially retained, and he found that the most important provisions of the Bill, namely, that for the surrender of the waste lands, was clogged with a condition which would greatly diminish its value in the eyes of the Colonists. In reading through this Bill, the first thing that struck him was the immense quantity of government which was to be imposed upon the scanty population of New Zealand, which amounted, at the highest estimate, to about 26,000 Europeans, and about 100,000 natives. It appeared from this Bill that, first, New Zealand was to be divided into two parts, an English part, and a native part. Within the English pale, English laws were to be enforced; without the pale, in the native part, native laws and customs were to be maintained by the Governor-in-Chief of New Zealand, notwithstanding the repugnancy of any such native laws to the laws of England, or of New Zealand, provided they were not repugnant to the laws of humanity. The part of New Zealand within the English pale was to be divided into six provinces. These would be, in fact, miniature Colonies; the two largest of them would have an English population of about 7,000 persons each; the two smallest an English population of about 1,500 each, or about half the population of the smallest of our rotten boroughs. Each of these petty Colonies was, however, to have almost all the legal incidents of a regular Colony. Each of them was to have a separate and independent Legislature. Each Legislature was to consist of a Lieutenant Governor (called a Superintendent), and of a Legislative Council. Each of the six provincial Legislatures was to have all the ordinary powers of a Colonial Legislature, of making laws on all subjects, with the exception of a few that were specified. Each of these six Lieutenant Governors was likewise to have all the ordinary functions of a Colonial Governor, except that each of them was to be subordinate in the first instance, not to the Colonial Office, but to the Governor-in-Chief of New Zealand. For instance, each of these Lieutenant Governors would be bound to conform to his instructions from the Governor-in-Chief. Each of them was to have the power of giving or withholding his assent to a Bill of the Provincial Council. He was also to have the power to reserve a Bill for the assent of the Governor General, and if that assent were not given within two years the Bill would die a natural death. Again, if a Bill were assented to by the Lieutenant Governor, though it became law, still at any time within two years after it had been received by the Governor General he might repeal it by proclamation. By this proviso the Colonial Office substantially reserved to itself all its vexatious powers of repealing Colonial Acts, or of not assenting to reserved Bills; for within the two years there would be ample time for the Colonial Office to issue instructions to the Governor-in-Chief to repeal any provincial Act, or not to assent to a reserved provincial Bill, and to those instructions the Governor-in-Chief would have to conform. Therefore, many hon. Members, including himself (Sir W. Molesworth), had fallen into error when they cheered the statement of the right hon. Baronet, that he differed from Earl Grey with regard to provincial Acts, and had determined, in order to prevent delay, to delegate to the Governor General the power of giving Her Majesty's final assent to those Acts. The right hon. Baronet had substantially retained to the Colonial Office all the powers which Earl Grey had proposed to retain. They were, however, very bad and vexatious powers, and when the Bill was in Committee he would propose Amendments by which they could easily be got rid of. In addition to the six provincial Legislatures, for these six petty Colonies, with their scanty population of about 26,000 Europeans, there was to be a General Assembly, to consist of a Governor-in-Chief, a Legislative Council nominated for life, and a House of Assembly. This General Assembly was to have, first, the exclusive power of legislating on all the subjects upon which the Provincial Legislature was prohibited to legislate; secondly, it was to have a power concurrent with that of the Provincial Legislatures, of making laws upon all the subjects upon which the Provincial Legislatures were to be permitted to legislate; thirdly, it was to have a power to repeal provincial Acts; and, finally, all Acts of the Provincial Legislature which conflicted with those of the General Assembly would be null and void. Therefore the General Assembly of New Zealand would hold towards the six provinces of New Zealand precisely the same position as the Imperial Parliament held towards the various Colonies of the British empire; and the Governor-in-Chief of New Zealand would hold towards the six Lieutenant Governors, or Superintendents, precisely the same position as the Queen, or rather Her Majesty's Ministers, held toward ordinary Governors. On the other hand, the Governor-in-Chief, like an ordinary Colonial Governor, would be under the control of the Colonial Secretary. The Governor-in-Chief would be bound to conform to his instructions. He was to have the power of giving or withholding his assent to any Bill passed by the Legislative Council and the House of Representatives. He was also to have the power of reserving any such Bill for the signification of the pleasure of the Colonial Office; but if within two years that assent were not given by the Colonial Office, the Bill would die a natural death. And again, if a Bill passed by the Legislative Council and House of Assembly were assented to, though it became law, was acted upon, and was inserted in the Statutes of New Zealand, yet within two years after it had been received by the Secretary of State, he might repeal it by Order in Council. It was evident, therefore, that by this constitution the General Assembly of New Zealand would have, in reference to the six Provincial Legislatures, all the legal incidents of an Imperial Parliament; and, in reference to the Imperial Parliament, it would have all the legal incidents of an ordinal Colonial Parliament: therefore the constitution which was proposed to be given to New Zealand would not only be an *imperium in imperio*, but a nest of Colonies within a Colony. It would be a reduplication of our ordinary system of Colonial government: all the defects and vices of that system would be doubled. There would be two Colonial Offices; the old one in Downing-street, and her daughter at the Antipodes; and in all probability the daughter would be worse than the mother. Surely this would be a most complicated machine for the government of 26,000 Europeans and about 100,000 savages—a most Brobdignagian Government for a series of Lilliputian States. If this Bill passed in its present shape, there would be in New Zealand seven Governors or Superintendents. There would be nine Legislatures, one General Assembly, the Governor alone, with respect to native laws and customs, beyond the pale, and the Imperial Parliament. Therefore there would be nine distinct and frequently conflicting codes of laws, namely, six independent provincial codes, one general New Zealand code, one native code of laws and customs, and the Acts of the Imperial Parliament of Great Britain. With these nine codes it would be difficult, or almost impossible, to know what was or what was not law in New Zealand. For instance, consider an Act of Parliament of New Plymouth, which had about 1,400 English inhabitants. That Parliament would have the power of legislating upon an indefinite number of subjects; in fact, upon all subjects except a few enumerated ones. It might make laws worthy of Solon, or Lycurgus, or Bentham; it might fill its Statute-books with those laws. Yet, alas! they might be all useless, and of no effect; for every Act of the Parliament of New Plymouth might, without its consent even, be repealed in three ways by three independent and distinct authorities; and also without being positively repealed, those laws might be null and void in three ways. First, an Act of the Parliament of New Plymouth might be repealed within two years, at the will of the Governor-in-Chief of New Zealand; secondly, within the same period it might be repealed by instructions from the Colonial Office; thirdly, it might at any period be repealed by the General Assembly; and that repeal might again be repealed within two years by this Colonial Office. Therefore, before a Judge could be certain whether any one Act in the Statute-book of New Plymouth was law, first he must hunt through the Government *Gazette* to ascertain whether the Act had been repealed by proclamation, and, if not repealed, then he must hunt through the general code of New Zealand to find whether it had been repealed by a Statute of the General Assembly; and if he found that it had been so repealed, then he must hunt again through the Government *Gazette* to ascertain whether that repeal had not been repealed by an Order in Council. Again, an Act of a Provincial Legislature might be null and void in three ways, without being positively repealed: first, as being repugnant to the laws England; secondly, as being repugnant to the laws of New Zealand; thirdly, in consequence of its touching any one of those subjects upon which the Provincial Legislatures are prohibited to legislate. Now, surely this would be confusion worse confounded; the maximisation of legal incertitude. And for what purpose? He must observe that it was a characteristic feature of this Bill that whenever one found in it any clause which seemed to have a liberal provision in it, he would always find some other clause which destroyed that provision, and frequently a third clause which destroyed the destroyer, for this Bill was a system of check upon check, and the result was unbounded confusion. To administer this cumbrous mass of legal absurdity, these nine conflicting codes of New Zealand, there were to be two unfortunate Judges, with salaries of 1,000*l.* and 800*l.* a year respectively. Now, if the reason assigned for dividing New Zealand into distinct provinces with independent Legislatures were valid, namely, that those provinces were so entirely separate and distinct, then it appeared to him that there ought to be at least one Judge in each province, for a code of laws without a Judge to administer them, seemed to him to be the height of absurdity. But if it were said that the Judges could go about from province to province with sufficient facility to administer the law, then he thought there could be little doubt that the lawmakers could meet in any one province with sufficient facility to make laws. The right hon. Baronet the Colonial Secretary had stated the other night that in order to give to each of the superintendents of the six provinces a salary of 500*l.* a year, without augmenting the Civil List, he should diminish the number of Judges. This was an ill-advised change. He (Sir W. Molesworth) objected most strongly to the superintendents being nominated by the Governor or the Colonial Office, and placed on the Civil List of New Zealand. They ought to be elected. This was the opinion of the present Governor of New Zealand; in his despatch of the 30th of August last he most earnestly recommended that the principle should be adopted that each province should elect its own superintendent. He stated that he wished to have each province treated as a large municipality, which had the power of electing its own mayor and corporate officers, and of determining the rate of remuneration of its officers. This was precisely his (Sir W. Molesworth's) view of what ought to be the form of government of the provinces of New Zealand. They should not be little colonies, but municipalities; they should not have the power of making laws upon an indefinite number of subjects, but should have the power of making by-laws on certain definite subjects; and, in his opinion, the municipalities should be created, and their powers should be defined, not by the Imperial Parliament of Great Britain, but by the General Assembly of New Zealand. He would return, however, to that subject presently, when he considered what ought to be the form of government for New Zealand. Before he did so, he must ask the House to consider what were to be the powers of the superintendents. They were to be subordinate to the Governor-in-Chief, but they were only to be removed by the Colonial Office. He presumed they were to have all the ordinary power of a Colonial Governor, executive as well as legislative: though, strange to say, in this Bill no reference was made to the executive powers of the superintendents, and no executive powers, but only legislative ones, were conferred upon them. He presumed, however, they were to have executive powers, and to be, in fact, petty Colonial Governors. Now, the powers of a Colonial Governor were immense; nothing could be done without his consent; all patronage was vested in him; no job could be perpetrated without his tacit sanction. He had usually the ear of the Colonial Office; he was the trusted servant of that Office; to attack him was to attack the judgment of the master who appointed him, and was held to be a sort of rebellion against that Office; therefore, complaints against him were little attended to, unless urged by influential persons; and an insignificant Colony at the Antipodes could rarely secure the assistance of such persons. In such a Colony the Governor was a petty despot, and the smaller the Colony necessarily the greater the despot; he was generally surrounded by a petty court of sycophants, jobbers, and toadies; upon them he was apt to confer all his favours; they, in return, were always ready to come forward to do any dirty work for him, and to sign any address to anybody declaring the Governor in question to be the paragon of all Governors. A Colonial Governor must be a strong-minded man who did not get his head turned by the adulation to which he was constantly exposed. Therefore, when he considered the class of men who would have to be nominated to the office of superintendents of these insignificant settlements (especially since the opening of the gold fields of Australia), he felt convinced that, generally speaking, they would be jacks in office of the most odious description, unless constantly kept in control by being frequently subjected to popular election. When this Bill was introduced, he objected not only to the nomination of the superintendents of provinces, but to the nomination of the members of the Legislative Council. The right hon. Baronet the Colonial Secretary had stated that Earl Grey had decided that the Legislative Council should be elective, and that he had ventured to differ from the decision of Earl Grey. He (Sir W. Molesworth) questioned the wisdom of the right hon. Baronet's having done so. He should reserve his observations upon this subject till the question was raised in Committee, and would only now remark that system of nomination would, in all probability, work worse in New Zealand than in any other colony, because nomination had been rendered odious in New Zealand; a strong feeling had been excited against it. In some of the settlements, for instance in Otago, the inhabitants had assembled in public meeting, and had passed by large majorities Resolutions requesting some of their most respectable citizens not to accept the office of nominated Member of the Legislative Council. This feeling being once excited against nomination, was not likely to subside. The most influential and respectable persons in New Zealand would probably refuse to be nominated to the Upper Chamber, for if they wished to possess political power and influence, they would prefer a seat in the Lower Chamber; and all experience in the Australian Colonies proved that the most influential persons lost their influence immediately on becoming nominees. When the right hon. Colonial Secretary stated the contents of his Bill, he (Sir W. Molesworth) had been delighted to hear that the waste lands were to be granted to the General Assembly of New Zealand. On reading through this Bill, he was, therefore, excessively disappointed at finding that this grant was to be clogged with the condition which would render it nearly valueless to the settlers in New Zealand. The condition was, that in respect of all sales of waste land the sum of 5*s*. for each acre should be paid to the New Zealand Company, until the sum of 268,000*l*., with interest at the rate yearly of 3½ per cent, should be paid. If the clause containing this condition were to pass, a great injustice would be done to the settlers in New Zealand, and the New Zealand Company would acquire a valuable property to which he did not consider them to be entitled. He entreated the House to protect this unfortunate Colony against a too influential company. He must beg leave to say a few words about that company, which threatened to be so great an incubus upon New Zealand. It was formed about the year 1839, for two objects: the one was to put in practice certain views with regard to colonisation; the other was to make money. Some of those views proved correct, others erroneous; the pecuniary speculations utterly failed, partly in consequence of obstacles thrown in its way by the Colonial Office, in defiance of whom it had been undertaken, but it had chiefly failed in consequence of great mismanagement. The directors repeatedly attempted to obtain public money to prop up their failing speculation, and, unfortunately, they had been too frequently successful. In 1846 they got an Act of Parliament, by which they obtained a loan from the Consolidated Fund of 100,000*l*. for seven years at 3 per cent. This money was to be applied chiefly to purposes of alleged public utility, and no portion of it was to be applied to the payment of the debentures of the company. A short time afterwards, in the same Session, the company obtained another Act, by which they were empowered to apply a large portion of their loan to the payment of their debentures. The next year, in 1847, the company obtained a third Act, by which they were relieved from the payment of interest on their first loan, and obtained a second loan from the Consolidated Fund of 136,000*l*. without interest. The same Act also provided, that if the company gave notice of being ready to surrender its charter within a certain period of time, their lands should revert to the Crown, their debt of 236,000*l*. should be remitted, and—

> "There should be charged upon and paid to the New Zealand Company out of the funds of all future sales of Crown lands in New Zealand, after deducting the outlays for surveys, and the proportion of such proceeds which is appropriated to the purposes of emigration, the sum of 268,000*l*." &c.

The company gave notice on the 5th of July, 1850, and thus became the third mortgagee on the lands of New Zealand; the first charge being for surveys, the second charge being for purposes of emigration, and the third charge being for the extinguishment of the debt of the company. Then the important question arose, what proportion of the proceeds of the land sales was to be regarded as appropriated to the purposes of emigration? The question was submitted to the law officers of the Crown. They reported that they were of opinion that "the Crown had the power from time to time to fix and alter that proportion by instructions previously to the extinguishment of the debt of the company." It followed, therefore, that the Crown had the power to employ the whole proceeds of the land sales in surveys and emigration, without reserving any portion of those proceeds for the extinguishment of the debt of the company. And the company was only entitled to demand that those proceeds should be strictly applied to surveys and emigration, and to no other purposes except to the extinguishment of their debt. Now, it was scarcely to be believed, that the Bill now before the House, in its 74th Clause, represented the New Zealand Company to have the first charge on the Crown lands of New Zealand, and it proposed to enact that they should have a first charge on those lands to the amount of 5*s*. an acre; for the preamble of this clause omitted all mention of surveys and emigration. It referred to the Act of 1847, and recited that a "sum of 268,000*l*. was charged upon and payable to the New Zealand Company, out of the proceeds of the sales of new Crown lands;" and there it stopped, in the middle of a sentence, and omitted the important words in the Act of 1847, "after deducting the outlay for surveys, and the proportion to be appropriated to purposes of emigration." The omission of these important words was most remarkable. It would tend to mislead any hon. Gentleman who did not refer to the Act of 1847, and to induce him to think that the company were well entitled to the money which it was proposed to grant them. He (Sir W. Molesworth) would not at present mention any other objections which he entertained to this Bill. He would reserve them for the Committee, and should proceed to consider what ought to be the form of government in New Zealand. He thought, in giving a constitution to a Colony the wishes of the colonists should be taken into consideration, though not absolutely deferred to, especially when a Colony had not had any experience in self-government. Now, what were the wishes of the inhabitants of New Zealand? They had to a certain extent expressed their opinion. The House would remember that in the year 1850 new constitutions were given to the Australian colonies. During the debates which then arose, the theory of colonial constitutions was discussed at length, important alterations were proposed to be made in the measure of the Government, and he had presumed to lay before the House a sketch of what they thought ought to be the constitution of the Australian colonies and of New Zealand. Those debates had reached New Zealand, and had raised an expectation among the settlers that their time to have a constitution would soon come. In the three chief settlements of New Zealand, the question what ought to be the form of their future constitution had been much discussed towards the close of the year 1850, and petitions and memorials expressing the wishes of the colonists were to be found in the papers which had been presented to Parliament. First, about October, 1850, a petition was got up at Auckland. It was very numerously signed, considering the number of the population of the settlement, which, however, was the largest in New Zealand. The petitioners stated that the constitution which had been submitted to the House "would not only be applicable to their necessities, but would prove the most grateful concession to a free and loyal people." The petitioners, however, stated that, in their opinion, New Zealand should be divided into two separate and quite distinct colonies. If New Zealand were to be divided at all, this was the division which he should propose. But he agreed with the settlers of Wellington and Nelson, that New Zealand should form only one colony. On the 15th of October, 1850, a public meeting was held at Wellington. It was a very large one in proportion to the population of the settlement, which was the second in magnitude in New Zealand. A committee was appointed to report on the form of constitution which it was desirable to suggest to the Home Government for adoption in New Zealand; the committee reported to another public meeting, held on the 29th of January, 1851; the report was then presented: it was fully discussed at a very large meeting held on the 3rd of February, 1851, and finally, the amended report was carried by acclamation, and sent to Earl Grey in the shape in which it was now to be found in a blue book which was delivered last autumn. It was a document much too long and far too complimentary to himself (Sir W. Molesworth) for him to read it. It adopted all the positions of his plan, condemned the cumbrous and costly system of provincial government which then existed in New Zealand, as being framed for no other purpose than the increase of patronage and the extension of the influence of the Executive. This condemnation, it is evident, would apply still more forcibly to the plan of provincial government proposed in this Bill. The report from Wellington proposed "that New Zealand should constitute one colony and have only one Legislature;" it stated that "probably it would be found necessary to superadd the machinery of municipal government;" but it added, that "such a question was a purely local one, which should be disposed of by the local Legislature." This was precisely his notion of what ought to be the constitution of New Zealand, namely, one colony and one Legislature, with the power to give to each province municipal government, and to vest in each municipality powers of making by-laws on definite subjects. He would next state the opinion of the settlement of Nelson on the subject of the form of constitution for New Zealand. Nelson, in 1850, was the third in size of the settlements in New Zealand, and he thought that, on the whole, it was the soundest and the healthiest. No public money had been spent on it. At first it had great difficulties to contend with; it had overcome those difficulties, and it had more tilled land than either of the two larger settlements, one of which had twice the population of Nelson. On the 27th of December, 1850, the largest public meeting ever held at Nelson assembled for the purpose of considering what ought to be the future form of government for New Zealand. Similar meetings had been held in the rural districts, at which almost every man in the district had attended. The principles agreed to at those meetings were embodied in a string of resolutions, and a committee was appointed to draw up a memorial to Earl Grey, which was to be found at page 113 of the blue book to which he had already referred. The memorial proposed a constitution essentially the same as that which he (Sir W. Molesworth) had proposed. It recommended that New Zealand should form one colony, with one Legislature. It condemned the system of provincial councils which then existed, as being

> "Calculated utterly to destroy that unity of action accompanied by economy which could alone confer an uniform national character upon the different portions of the colony which it should be the desire of all to establish."

It was evident that this condemnation applied still more forcibly to the plan of provincial councils proposed by this Bill. The memorial also stated that—

> "One centrally-situated Executive, with the aid of steam vessels to keep up a rapid and regular communication between the settlements, would be infinitely more direct and efficient in its action, and far less costly in its maintenance, than any number of provincial councils could hope to be; while, to meet the wants of each separate district, municipalities, with extensive powers of legislation on questions merely relating to such districts, would amply suffice for all their local wants."

The views of the settlers at Nelson had received the sanction of the Lieutenant Governor of New Zealand. On the 18th of June last the Lieutenant Governor delivered a speech in the Legislative Council of New Zealand against the system of provincial councils, the system contained in this Bill, for which speech the Governor had rated him soundly in a despatch to Earl Grey, after the fashion which Colonial Governors generally used to the Colonial Office subordinates who presumed to disagree with them. The speech of the Lieutenant Governor of the southern province was to be found at page 42 of the papers lately presented to Parliament. The substance of what the Lieutenant Governor stated was that—

> "The colonists of the southern province would rather have one general Legislature for the whole of New Zealand; that they were rather anxious for municipal institutions than for the erection of subordinate Legislatures."

The Lieutenant Governor quoted, with cordial concurrence, an address from Nelson to the Governor of New Zealand, to the effect—

> "That provincial councils would be cumbrous, expensive, and ostentatious; for, unless the provinces of New Zealand were multiplied to an amount which would entail upon the colony a ruinous Government expenditure, it would be impossible to divide it in such a manner as not to include within the same limits districts of dissimilar interest."

The settlers at Nelson seemed to have anticipated a Bill like this, and had, therefore, beforehand expressed the most emphatic condemnation of the principle of subdivision contained in the present Bill. If that principle were carried out, New Zealand would have ultimately to be divided, not into six provinces with six subordinate Legislatures, but into sixty provinces, with as many subordinate Legislatures. For the time would come when probably New Zealand would contain more than sixty communities, each of them with a population six times as great as that of either Canterbury, Otago, or New Plymouth; and even then, the population of New Zealand would scarcely exceed 1,000,000. Now, each of these communities would be able to show that it differed in some respect from its neighbour, and ought to have the management of its local affairs, and so each of them probably ought, to a certain extent. And sixty municipalities would be nothing extravagant in a country with the area of Great Britain, though sixty subordinate Legislatures, after the fashion of this Bill, would be an absurdity. The address from Nelson, quoted in the speech of the Lieutenant Governor, and which was to be found at page 128 of a blue book presented last year, went on—

> "To suggest one Central Legislature and Executive, as quite sufficient for every purpose of good government in New Zealand."

The address remarked that—

> "The employment of steam vessels upon the coast would remove all the obstacles to this form of government, and would afford a regular and easy intercourse between the settlements, which would produce moral and political results of the most beneficial character; for nothing would more certainly tend to unite the colony together, to lead to broader and juster views of policy, to remove local ignorance and prejudices, to counteract, in short, the narrowness of view and selfishness which never fail to arise in isolated communities. Steam communication, by practically reducing the size of the colony, would render the repetition of offices unnecessary, and diminish both the machinery and expense of government."

These were the views of practical and well-informed men on the spot. The Lieutenant Governor of New Munster had stated that these views were fully shared in by the settlers of Otago and Canterbury. From these facts, he (Sir W. Molesworth) was entitled to infer, with regard to the wishes of the colonists of New Zealand on the subject of the future constitution of that colony — first, that the majority of them, including the Lieutenant Governor of New Munster, were of opinion that New Zealand should be one Colony with one Legislature, or, at most, should be divided into two distinct Colonies, altogether independent of each other. Secondly, they condemned the system of provincial Legislatures, and were of opinion that municipalities should be established, with powers to elect their corporate officers, and to make by-laws; and that on specific subjects, the municipalities should be established, not by the Imperial Parliament, but by the Legislature of New Zealand. He must also repeat that the Governor-in-Chief was of opinion that the provincial Councils should have the constitution of a large municipality, which should have the power of electing its own corporate officers, and of determining their salaries. The wishes of the colonists of New Zealand appeared to him to be very just and very reasonable. Why could not we comply with them? They could easily be complied with, and without any real departure from precedent. This Bill was utterly without precedent. To comply with the wishes of the Colonists of New Zealand, it would only be necessary first to give them the ordinary Colonial constitution, such, for instance, as that of the General Assembly in this Bill. No doubt, they would prefer to have, and he should prefer to give them, the constitution, the sketch of which he had prepared for them in 1850, and of which they had expressed their distinct approbation; but it would be unreasonable for him to ask the House at present to discuss that constitution, which would involve a complete change in our Colonial system. He hoped that the House, however, would understand that he did not in the slightest degree abandon that constitution, because he wished at the present moment, and under present circumstances, to confine himself to the practical question of amending this Bill so as to meet as far as possible what he considered to be the reasonable wishes of the settlers of New Zealand. To do so he should propose, first, to strike out of this Bill all the clauses which had reference to the provincial Legislatures; and, secondly, to give, if necessary to do so, specific powers to the General Assembly to incorporate municipal districts, to constitute municipalities, and to vest in them the power of making by-laws for specific purposes. With these powers the General Assembly of New Zealand would be able to gratify to the utmost the wishes of the settlers of New Zealand for municipal self-government. The essential difference between the plan of the right hon. Baronet the Colonial Secretary, and his (Sir W. Molesworth's) plan, was, that the provinces of the right hon. Baronet would have positive Legislatures, with powers to make laws upon an indefinite number of subjects, being restricted only from making laws upon certain enumerated subjects; while his (Sir W. Molesworth's) municipalities, if established by the General Assembly, would be restricted to making by-laws upon certain defined and enumerated subjects. By the Bill of the right hon. Baronet, New Zealand would be, in fact, divided into six States, federated together upon a plan which had always failed—namely, that of giving to the federal Legislature powers of concurrent legislation with the State Legislatures. This plan would insure a perpetual conflict between the provincial Legislatures and the General Assembly; and the weaker party would constantly appeal to the Imperial Parliament. The provincial Legislatures would constantly complain that the Central Legislature had repealed their Acts and spent all the money, without leaving any to be divided among them; and they would constantly ask the Imperial Parliament to repeal the laws of the General Assembly. On the other hand, the General Assembly would apply to Parliament for permission to curtail the powers of the provincial Legislatures. This conflict would only terminate either in the General Assembly cutting up the powers of the provincial Legislatures and reducing them to municipalities, or in the provincial Legislatures restricting the General Assembly to legislating only on those enumerated subjects upon which the provincial Legislatures were to be forbidden to legislate. Therefore, the ultimate result of the conflict would be either his (Sir W. Molesworth's) plan, or a system of six distinct Colonies federated together after the fashion of the States of the American Union. He must say he should be very sorry to see New Zealand divided into six distinct Colonies; for New Zealand was meant by nature to form one political unit. Though traversed by mountains which rendered land communication difficult at present, it was so connected by sea, and its best parts were so close to the sea, that the moment steam vessels were established, its various parts would be more closely connected than the various parts of this island, even in the times of our fathers. The key to the good government of New Zealand was a steam vessel. Without steam vessels neither the right hon. Baronet's plan nor any other one could possibly work well; except that plan which he presumed no one would propose, namely, to divide New Zealand at once into six absolutely distinct Colonies, with distinct Governors, Legislatures, civil lists, and all the other paraphernalia of a Colonial Government. He should be sorry to see New Zealand so divided either now or at any future period; for New Zealand was so distant from any other country that it would have no natural enemies unless we divided it into two distinct States, who would certainly be jealous of each other, and hostile, like the towns of Italy or the petty republics of Greece, and whose hostilities would never cease until the more potent State absorbed or conquered all the rest. No good that he knew of had ever come to this country from Great Britain being divided into two kingdoms; and great inconvenience had been felt from two codes of law in the same island; and a similar inconvenience was felt at the present moment in the United States, where the vast extent of the territory had made the federal system the best, because the only possible one. This not being the case in New Zealand, which had not more available land than some of the States of the Union, and had a smaller population than the smallest of those States, why should we cut it up into morsels, and lay the foundation of six distinct States with six distinct Legislatures, certain to be ultimately hostile? It was said that the various settlements of New Zealand had been founded upon distinct and exclusive principles; that 1,500 Presbyterians had gone to one corner; that 3,000 Episcopalians had emigrated to another spot; and that 4,000 "what-do-ye-call-'ems" had settled in a third place, and 1,400 bumpkins in a fourth, and the two remaining settlements, with a population of about 7,000 each, were composed of publicans and sinners. It was said that the Presbyterians had carried to New Zealand their antipathy to a bishop; that the Episcopalians had taken a bishop along with them as an advertisement; that the "what-do-ye-call-'ems" were voluntaries, the bumpkins were devoted to agriculture, and that the publicans and sinners stunk in the nostrils of the Pharisees of New Zealand. Therefore, it was said that each of these exclusive Lilliputian settlements should have its own little kingdom of Brentford, with its own peculiar and exclusive laws. He should be very sorry if the exclusive character of these settlements could be preserved, with their narrow animosities, religious feuds, and jealousies. He felt convinced that it could not be preserved unless these settlements continued in miserable insignificance. He thought the views of the settlers of Nelson, in their able address to the Governor of New Zealand, were much more enlightened and statesmanlike in their opinion. Efforts should be made to unite the Colony together, to remove local ignorance and prejudice, and to counteract, in short, the narrowness of view and selfishness which never failed to arise in isolated communities. Agreeing with those views, he should, when the time came, in Committee, propose the Amendments strictly necessary to carry out those views, and he hoped the House would never consent to this Bill in its present shape.

Mr. ADDERLEY said, he should be glad to state to the House the contents of a petition which he was too late to present when the order for the second reading of the Bill was read. It expressed the sentiments of a portion of New Zealand, in which he was personally more interested than in any other, namely, the portion connected with the Canterbury Association, no unimportant portion of this important Colony. The petitioners stated that they viewed with feelings of deep satisfaction the Bill which had been introduced into the House to establish in the Colony of New Zealand a constitution founded upon a principle which would give them due control over the management of their own affairs. They said, that having made themselves acquainted with the provisions of the measure, they were able to assure the House, that without referring to subordinate circumstances, about which there might be a difference of opinion, the measure, as a whole, and in all its main features, was hailed by them with the greatest satisfaction, as a boon of inestimable value. It was only owing to the debate having come on rather earlier than was expected, that petitions of a similar kind, from individuals in England, authorised to speak the sentiments of other provinces in the Colony, had not been presented, expressing similar satisfaction with the measure now before the House. He could tell the House that the question was too far gone, and a great deal too ripe, to bear with such delay as was proposed by the hon. Gentleman opposite. It was all very well for hon. Gentlemen to propose, year after year, further delay till a measure was finished and polished off most exactly to their own minds; but he would tell them and the House that it was hazarding the integrity of the Empire to play in that manner with the feelings of the Colonists belonging to it. Those Colonists were asking for the power of self-government; they did not ask it as a boon or a favour, but they asked for it as a right which should be extended to them, giving them all the privileges of British subjects. If they were to go on in this way from year to year, owing to the change of Governments at home, or to the change of circumstances that might affect themselves locally, they would create, and they were at present stirring up, a great amount of irritation and bitter discontent in a Colony which was firmly attached to this country; and which possessed distinguished qualities that might make them either valuable appendages to the Empire, or make them most dangerous subjects of Her Majesty. He would remind hon. Gentlemen opposite that it was now seven years since that House acknowledged that New Zealand had a right to a constitution such as they were then discussing. In 1845, that was amply acknowledged by all the leading Members of the House, by the late Sir Robert Peel, by the noble Lord the Member for the City of London (Lord John Russell), and by several other hon. Members, including the hon. Baronet the Member for Southwark (Sir W. Molesworth) himself, who took part in the debate. The question had been brought forward by the late Mr. Charles Buller, and an abler advocate the Colonies never had. In 1846 the Governor of the Colony sent a despatch to the right hon. Member for the University of Oxford (Mr. Gladstone), then Colonial Secretary, urging upon him to give self-government to the Colony; and Earl Grey in the same year drew up a Bill, within a few months of acceding to office, for that purpose; but upon certain grounds alleged by the Governor of New Zealand, and which only attached to the northern province, that Act was suspended. The Governor, since then, had twice attempted to establish provincial Councils, under certain limited powers given to him, in the last instance with only one-third of the members nominated; but he did not succeed. When the present right hon. Secretary succeeded to office, he found it to be his duty to introduce this measure. The measure had been actually handed to him by his predecessor; and the right hon. Baronet had undertaken to complete the measure. They were in the peculiar position of having three courses open to them. They had either to continue the present Suspension Act, or to do nothing at all, and allow the suspended Act of 1846 to come into force next year, or they might pass the measure now before the House. He was perfectly sure he was not only speaking his own sentiments, but those of the Colonists of New Zealand, when he said that the first would be the worst course of all; while, in his opinion, the last proposition would be the best. Whatever they did, they must not continue the present Suspending Act. That would be a measure that would drive the Colonists of New Zealand into a frantic state of irritation. They were now under an illegal autocratical system; their rights were acknowledged in despatches, only to be obstructed—improvements for opening the country—roads, harbours, lighthouses—they were deprived of the means of undertaking; they complained—which was highly creditable to them—that in the present state of things they were prevented from establishing a militia for their own defence. That was a complaint which never had been made by any of their Colonies since the days of the old North American Colonies; and he was sure it must be a gratification to the House to hear that the British Colonists in New Zealand were desirous to establish a force for their own defence. With regard to the second course, he thought it would not be so bad as the first; and if a choice were given to the Colonists between a further suspension and the operation of the Act of 1846, he was authorised to say that they would prefer that the Act should come into play. But why not take the best course of all, and pass the measure now before the House? He did not see the hon. Member for Southwark (Sir W. Molesworth) any longer in the House; but if he were present he could tell him that not one of the grounds he had alleged against the Bill had the slightest foundation even in the documents to which he had himself referred. The hon. Baronet said that the Bill before the House was not what the Colonists asked for—that what the Colonists asked for was one Central Legislature and one Central Executive; but he begged leave to tell the hon. Baronet that he must have wholly misread the document to which he referred. At the large and influential public meeting held at Nelson in December, 1850, it was stated in one of the principal speeches made on the occasion, that in a Colony like New Zealand, offering here and there large tracts along the coasts available for settlements, separated by formidable physical barriers, a form of government that would confer on several districts large powers of dealing with all local questions would be the most satisfactory and efficient. It was also said, that the municipal government, in its widest and most ancient sense, was the form best adapted to them; and what did they mean by municipal? They meant the powers that the North American Colonies had in their infancy, such as were given by the constitution of Rhode Island. The next reference which the hon. Baronet made, was to a public meeting held at Wellington in November, 1850. The hon. Baronet appeared to have read only the first part of the document referring to that meeting; and indeed he almost invariably omitted to read the whole of the documents. After discussing the necessity for a Central Legislature and Central Executive, they went on to say that on matters of detail, such as electoral districts, and questions of municipal government, they should be disposed of by the local legislatures themselves—bodies, the existence of which, according to the hon. Baronet, was never contemplated by them. He might also refer to a meeting held a few months afterwards at Otago. He need not go into a detail of the expressions used at that meeting; but he would ask the hon. Baronet before they went into Committee to read the whole of the despatches, of which he appeared only to have read the first paragraphs. Whether the colonists wished it or not, it appeared very clear that the hon. Baronet desired to carry out his own measure, and to force on New Zealand the draft constitution which he had sketched for New South Wales. But it was then contemplated that when all the Australian colonies had got such a constitution, they were to federate. ["No, no!"] It was contemplated, if not by the hon. Baronet, by others—by the noble Lord the Member for London in his Bill. At all events, that was a constitution for one single colony. And let them now consider what was the difference between the hon. Baronet's proposition and the measure of the right hon. Colonial Secretary. The hon. Baronet proposed that a Central Legislature and Executive should be constituted for the whole group of those Colonies forming facilities for communications between each of them, but that municipal bodies should be established in the several localities to carry out simply the municipal functions; and what was the difference between that measure and the measure of the right hon. Colonial Secretary? He (Mr. Adderley) admitted there was one material point of difference, and allowed that in the concurrent legislation of several local legislatures, there was a blot in this measure. If a distinction could be drawn to give a definite set of subjects to the Central Legislature, and to leave all matters connected with the provinces to the local bodies, the Bill would secure all the real practical benefits which the hon. Member for Southwark's proposition proposed as an Amendment upon the Bill. The hon. Baronet talked of overlaying New Zealand with legislatures too great for such a population, and he had adopted the line of argument that was used lately in some of the journals; and perhaps those articles might have made an impression upon the minds of some hon. Gentlemen who were ready to adopt opinions ably drawn up for them on the subject; but he (Mr. Adderley) had to weigh against those articles the opinions contained in two papers published in London, and immediately connected with New Zealand. Both the papers connected with New Zealand had unreservedly accepted the Bill as a great boon and a satisfactory measure for the Colony, and they expressed the opinions of men connected with the Colony, and in correspondence with it; and those opinions might be set against articles more ably written by philosophers with great schemes in their minds, but not so qualified to deal with practical legislation upon the subject. He thought that some of the hon. Baronet's friends in the Colony would be astonished at finding that their principal advocate had spoken of them in such depreciating terms. He thought it should have occurred to him that, in point of number, they were quite as great, and were also as intelligent and vigorous, as the Englishmen who had formed some of the earlier Colonies which were now amongst the leading nations of the earth. Therefore he (Mr. Adderley) did not think that the number of 26,000—being the whole extent of the community of the islands of New Zealand—had anything whatever to do with the form of government they required. He had only one word to say with regard to the New Zealand debt. The colonists were the best judges of this subject, and were willing to take the debt upon themselves, and how was it their interest to prevent them from doing so? The debt was recognised by Act of Parliament, and must be paid by this country or by the Colony; and he (Mr. Adderley) thought it was more just that this country should pay it, because the debt had accrued, owing, he would not say to the blunders, but to the unfortunate policy carried out by their own Colonial Ministers. He did not say the whole amount of the debt was proved; but whatever the amount of the debt might be, either this country or the colonists were bound to pay it; and if the colonists wished to pay it, what object could they have in standing in their way of what they thought to be a satisfactory adjustment? Though the colonists would think it a hardship to have the debt charged upon the revenue, they had submitted to have it charged upon the land sales on condition of having the option as to the price of land, and that option was given by the Bill. The condition on which they consented to pay the debt being included in the measure now before the House, and that condition being fulfilled, he was authorised to say that the colonists of Wellington, one of the principal settlements, had expressed their readiness to undertake the payment of the debt as proposed. Before he sat down he begged to read a letter from Mr. Well, who was authorised to speak on the part of the Wellington colonists; and here was the language he held with reference to the Bill:—

> "I have heard that it is in contemplation to oppose the New Zealand Bill on the ground, amongst others, that the colonists are opposed to the creation of separate local governments in the several settlements. I beg to assure you of my firm belief, that not only will such provincial governments be most popular, but it is my own private opinion, and that I think of every one acquainted with the country, that such are the means by which its peculiar requirements can be met."

The writer stated, in conclusion, that though they might object to certain details of the measure, they were ready, on the whole, to consider it as a great boon; and if it were deferred, they would despair of obtaining the political rights which had been so long promised to them.

Mr. VERNON SMITH said, he had ventured, when the Bill was last before the House, to suggest to the right hon. Gentleman (Sir J. Pakington), while fully acknowledging the ability he had shown in mastering the subject, the expediency of not pressing such a measure in the present Parliament. On that occasion the hon. Baronet the Member for Southwark (Sir W. Molesworth) had denounced him (Mr. V. Smith) as a person indifferent to the feelings of the colonists; but, now, the hon. Baronet had apparently come completely round to his views in regard to this Bill; and while he (Mr. V. Smith) quite agreed in every part of the speech, that evening, of the hon. Baronet, he certainly did think that the consistent conclusion would have been a Motion to read the Bill a second time that day six months. There were no good reasons for proceeding with such an important Bill, which it was impossible the House, under present circumstances, could adequately discuss; while there were innumerable reasons for giving it up until next Session. This was a Bill which included every great question of Colonial Government, each one of which questions was entitled to deliberate discussion. The thirteen classes of questions which were not to be submitted to the consideration of the local Legislatures constituted one mass of difficulties. There was, besides, the great question of giving up the land sales to the colonists. He quite approved of this proposal; but such a concession would cause great jealousy in Australia, where a similar power was not given to the colonists; and therefore should not be given up lightly, or considered at all except from the general point of view for all the Australian Colonies. The hon. Member for North Staffordshire (Mr. Adderley), had detailed three courses open to the House to pursue; and he had stated his opinion that the first course, namely, a continuation of the Suspension Act, would be the worst. He (Mr. V. Smith) did not agree with the hon. Gentleman. He could not understand why a year's delay should cause such frantic irritation as the hon. Gentleman had anticipated. The colonists would see the anxiety which was felt by the House of Commons to extend to them liberal institutions. They would see that the House of Commons itself was in a state of dissolution, was in a novel position, and was incapable, for the time, of giving to this topic the attention which its intrinsic importance would under ordinary circumstances demand. Therefore, every allowance would be made by the colonists, and they would submit to a necessity which the House and the Government, too, were compelled to recognise. Another important point in the Bill was with regard to the settlement of the debt. The hon. Gentleman (Mr. Adderley) professed to speak on authority when he said that the Colony would undertake the responsibility for the debt. The hon. Gentleman spoke with the authority of a single person; but it was exceedingly dangerous to take isolated opinions on such a matter. He (Mr. V. Smith) denied that there was anything like unanimity of opinion in the Colony on the question; and until it was well and carefully ascertained the direction in which the mass of opinions tended, it would be most injudicious to come to a premature and hasty conclusion as now proposed. Another delicate topic referred to a settlement with the New Zealand Company. He had understood this matter to have been settled by the Act of last Session; and he could not see why a Bill dealing with a constitution should be made to introduce a new settlement of this kind. What was proposed was a deviation from the former agreement; and it was a deviation, he begged to observe, more favourable to the Company than to the colony. Here was a point which would give rise to considerable controversy, and which could only be satisfactorily determined after lengthened discussion. On all these grounds—that the Bill, if persevered in, could only be passed in an imperfect state, and that a far greater evil than delay was a legislation in regard to the colonies which required subsequent consideration and amendment—he hoped that the right hon. Secretary for the Colonies would be content with having declared his own views, and with having elicited the feelings of the House, and that he would withdraw the Bill for the present Session.

MR. EVELYN DENISON said, the principal difference between hon. Members on opposite sides of the House, had reference to the functions of the central and provincial councils. That difference appeared to have arisen from the circumstance of the originator of the measure not being the person to carry it into execution. This measure originated with the Governor of New Zealand, but it had since passed into the hands, first of all, of the noble Lord (Earl Grey), and then of the right hon. Gentleman the Colonial Secretary; and it appeared now to be very much changed from what it originally was. He would ask what were the particular functions with which the right hon. Baronet intended to invest the Central Legislature? Had this Bill been framed with the intention of the central Legislative council being supreme in the country, or with the intention of the district councils having in fact the whole administrative power in their hands? He could not but think that it would be the duty of Parliament to confine in the hands of the central council the main functions to be performed by the Legislature. Again, he would ask if those councils were to be municipal bodies or petty parliaments? If they were to be municipal bodies, they ought at least to elect their own superior officers. But if they were to be petty Parliaments, then, he thought, their functions were too much diminished. It was a most important principle to consider, whether the supreme power should be vested in the Central Government, or diversified through the different district councils. If it was intended to frame the Bill with that division of powers, he thought it was impossible the House would allow it to pass without great discussion and a close investigation of all the matters bearing on the points to which he had adverted.

MR. J. A. SMITH begged to offer his thanks to the right hon. Colonial Secretary for the attention he had applied to this most important subject, and he would urge upon the House the expediency of at all events going into Committee upon the Bill, and proceeding with it as far as possible so as to satisfy the colonists that Parliament had done all it could to meet their wishes. It was difficult to decide what would be the best form of government for this rising colony; but, under the circumstances, he imagined that the most expedient course would be, having formed a Central Legislature, to leave to that central Legislature the charge of arranging the functions of the other Legislatures that might be established. Mistakes would be better than delay, so earnest were the colonists for the introduction among them of representative institutions. He had been especially surprised at the expressions of the hon. Member for Southwark (Sir W. Molesworth) with reference to the New Zealand Company, when he reflected that for several years the hon. Baronet had been himself a director of that company. On the part of the company he would affirm that, whatever errors the directors might have committed, it would be difficult to find a body of men who had devoted more time and more labour to the attainment of results which they deemed beneficial to the public, to the best of their judgment, and without any bias of private interest. He agreed in the opinion that any settlement of the affairs of New Zealand which did not hand over to the Central Government the management of the land, would be ineffectual, He should be ready to give his best aid in making a reasonable and equitable settlement of the claims of the New Zealand Company, which had never done any act to be ashamed of; and he was sure neither the Government nor the House of Commons would allow that body to be deprived of what they were fairly entitled to, by repeated decisions of the Legislature, confirmed in the most solemn manner.

Mr. F. PEEL said, there were many parts of the Bill of which he disapproved, but he would reserve his remarks on these until it came to be considered in Committee. He assuredly did not agree with the right hon. Gentleman below him (Mr. V. Smith) that it would be better to pass a Bill suspending for a year longer the Act of 1846. He thought it better to pass this measure in the present Session, though certainly not on the ground urged by the hon. Member for North Staffordshire (Mr. Adderley), who argued that they ought not to disappoint the just expectations of the colonists, that upon the expiration of the Suspending Act the representative institutions granted them by the Act of 1846, which had been improperly withheld, would at last be accorded to them. If this Bill should pass into a law, he did not think representative institutions would have been given to New Zealand one day too late. Sir George Grey had been Governor of New Zealand six years; and, although he received that colony in a state of anarchy, civil confusion, and utter prostration, and at war with a powerful native race, it was but justice to him to say that he had succeeded in those six years in bringing it round into a condition of peace, progress, and prosperity, without a parallel in the annals of our colonial dependencies. Eleven years ago that Colony was peopled only by a few scores of European missionaries, traders, and South Sea whalers. Now, the European population exceeded 26,000, while the native race was advanced and advancing in civilisation. Those who knew the early history of the colonisation of New Zealand would admit—as Sir George Grey had more than once stated—that the great question for the last ten years which this country had to solve in New Zealand was not how soon or to what extent we should give the colonists self-government, but whether or no we should succeed in the subjugation and civilisation of the native race. That object Sir George Grey had succeeded in effecting; but if the Colony had had representative institutions in 1846, it would not have been effected, for we should still have been struggling for mastery with the native race. The observations of the hon. Baronet (Sir W. Molesworth) went far to show that self-government, in its application to a new Colony, was not that unmixed and unalloyed boon it was generally supposed to be. The experience of a wide-spread Colonial Empire showed that in infant Colonies which were only thinly inhabited, and in the several districts of which persons were not to be found possessed of sufficient wealth and leisure to enable them to devote their time to the care of the public interests, what was intended to be a national representation of those Colonies dwindled into a very local representation—a representation, in fact, of that particular locality which was made the seat of Government; the Representative Assembly came to be composed entirely of those persons whose occupations or lines of business enabled them to reside at the place where the Representative Assembly held its sittings; and thus the interests of that particular spot were consulted, to the neglect or disregard of more remote parts of the Colony. What was the inference to be drawn from this? Why, that if they intended to give self-government, and to make it a reality, and not a nominal self-government, they must make it a local self-government. Hence the necessity of splitting up those islands of New Zealand, which were only 800 or 900 miles in length, and 100 in breadth, into an aggregation of small and separate provinces, and giving to each of those settlements, insignificant though they might be in numbers and in wealth, all the machinery and the cumbersome and complicated organisation of a separate and self-relying State. This Bill proceeded on the principle of accommodation—accommodation to the force of circumstances in New Zealand. It was their part to attend rather to the condition and circumstances of the Colony for which they legislated, than to carry out any speculative notions of government which might be entertained in this country. The same thing had been passing at the Cape of Good Hope. While that Colony was ruled by the Governor and Council, no diversity of interests was heard of; but when it was proposed to give it a representative Government, the eastern districts asked that the seat of Government should be removed from Cape Town, the extreme limit of the western district, to a more central spot, as their members, they said, could not afford to pass half the year at a place removed entirely from their own country; or else that the eastern and western districts should be separated and made distinct provinces with independent Legislatures. He thought the general outline of this Bill was entitled to the support of the House, and was well adapted to the requirements of society in New Zealand. It was said you might either have local councils with plenary powers, or a Central Legislature and no local Legislatures; and it was complained that the Bill followed a plan blended of the two; that it would give rise to a medley of legislation which would be ludicrous but for its consequences to New Zealand. Now there could not be a question that there ought to be a general Legislature or Assembly for the whole of New Zealand, and that the General Assembly ought to have exclusive jurisdiction over those subjects reserved to it and enumerated in the Bill. No one could doubt the propriety of there being uniformity of legislation on such subjects as the customs tariff, the currency, the law of real property, and rights of that kind. Without a General Assembly, having exclusive jurisdiction over these points, they would have a system of *ad valorem* duties in one part, and of specific duties in another; one rate of postage here, another there; here a metallic currency, there a paper one; here the law of primogeniture in the descent of real property, there equal division among all the children; in one place, offences punished capitally or by transportation; in another, by fine and imprisonment. Could there be any doubt as to whether it was proper that those subjects should be reserved for the exclusive consideration of the General Assembly? At the same time it was necessary to provide local councils to meet the legislative requirements of each province, because from what had been stated by the right hon. Gentleman the Colonial Secretary, it appeared to be impossible that the General Assembly could meet constantly, or that there could be annual Sessions. He (Mr. F. Peel) remembered, moreover, that in a recent despatch of Sir George Grey, he stated that the expenses of the Members must be paid; and he added that if that was not done the whole plan must break down. Now the right hon. Gentleman had not inserted any provision for the payment of the members of the General Assembly, and it became, therefore, the more necessary that there should be local councils in the provinces in the first instance. From physical and social circumstances, the different settlements had at present more of an individual than of a collective character. Sir George Grey had shown that impassable mountain ridges in the northern island rendered one settlement inaccessible to another; and in Canterbury and Otago, if there were no mountains, there were rivers which were unfordable and without bridges. Then with regard to their social position, it must be remembered that the settlers went direct from this country to their respective settlements, and were unacquainted with the capabilities of any part of the country except their own; that all their exports were made direct to Australia, England, or California, and their imports were received direct into their own settlements; and there was no central port and no spot in New Zealand which could be regarded as the centre from which the interests of the country radiated, as was the case in other Colonies. Some of the settlements also were founded on class principles and sectarian exclusiveness, and were wanting in a bond of union, which would be necessary if they were all subject to a centralised Legislature for the whole island. He hoped, in the course of time, all those settlements would be merged into one, and New Zealand eventually form a single and confederated society. Therefore, he had always thought that provisions should be inserted, giving to the General Assembly not only exclusive jurisdiction on certain topics enumerated, but also a concurrent jurisdiction on subjects upon which the local councils might legislate. There could be no conflict between the councils and the General Assembly, as the General Assembly would override the local councils. Let such a power be given to the General Assembly, and if it felt itself competent to legislate for the local requirements of each settlement, it would not be debarred from doing so by this Act; while if, on the contrary, it was found that there was a tendency to decentralisation and a localisation of government, it would abstain from exercising its powers, and the local councils would thus become what he hoped they would not become, a permanent part of the political system of New Zealand. He had several objections to parts of the Bill, especially with regard to the constitution of the upper chamber of the General Assembly; to the powers of the General Assembly to appropriate the land revenues, and to control the management of the waste lands, which had hitherto been vested in the Crown, which had always been considered as the trustee of the waste lands for the benefit of the people of this country. He would, however, reserve the discussion of those points for the Committee; and he would only repeat what he had already said, that as far as he could judge, the Bill was in its outline and framework entitled to the support of the House.

Mr. GLADSTONE said:* I consider it, Sir, before all things essential to the formation of a just opinion of the several details upon this measure, that the House should consider its general position. I assume that there is a prevalent, indeed almost an universal, opinion, that the existence of the present Parliament ought not to be materially prolonged, either by actual contests, or by the expression of possible differences of opinion, upon the details of a Bill relating to the constitution of New Zealand. If this be so, then it appears to me that the question which we have before us is, in its first aspect, this—whether we shall, each of us following out that particular scheme for a colonial constitution which he may prefer, proceed to develop and urge upon the House the adoption of such scheme in its various parts; or whether, upon the other hand, we shall be content to view the proposed plan of Her Majesty's Government as a whole—to say we like or dislike it as a whole, and as a whole we accept or reject it. It seems to me that this is the real alternative before us. As practical men, having a practical object in view, and weighing together, as well as we can, several advantages which in some degree conflict with one another, we must in the main be content to forego many things in order to gain an object more eminently and comprehensively important than these things, however much we may esteem them.

This being so, I shall endeavour to judge of the merits of the Bill viewed strictly as a whole. I shall state the points in which, as I think, it is a beneficial measure, and in which, considered with reference to previous colonial measures, it appears to me to be a decided advance upon our previous recent legislation. I shall also state with freedom the points in which it appears to me to be seriously faulty or doubtful: and shall endeavour to strike the balance between them with equity.

But, Sir, before I proceed to do this, I cannot consent to pass by an occasion of this kind, when we are called upon to deal definitively with the constitution of an important and remote colony, without calling the attention of the House to the false position in which, as I conceive, we stand with respect to the government of that colony, and of many others of our colonies. I am not aware, for myself, of any one case of a colony with which we have dealt by recent legislation, and in which we have at the present time arrived at a just, and what I may call for the sake of precision—I hope I shall not be considered as making a pedantic use of the word—a normal relation between the colony and the mother country. By the term "normal relation," I do not mean a relation founded upon the speculations of philosophers or economists alone; but I mean a relation which has been developed in the world of actual life, and which, with regard to its leading outlines and all its essential features, was the old relation that in former times—though you are accustomed to ridicule those times as having been comparatively unenlightened — subsisted between the mother country and the North American colonies.

The idea which we entertain of a colony at the present moment, as it appears to me, is this—we think of it as something which has its centre of life in an executive Government—we think of the establishment of a colony as something which is to take effect by legislative enactments, or by the executive power of the Crown, and by the funds of the people of England. This administrative establishment, according to our present colonial system, is the root and trunk around which by degrees a population is to grow, under which by degrees that population is, according to our modern, and in this case most unhappy phrase, to be trained for freedom, and to which in course of time some modicum of free institutions is to be granted. That I think is a true description of the manner in which, and of the idea under which, the foundation of our modern colonies has been ordinarily conducted.

Now, Sir, I conceive that this fundamental difference prevails between the colonial policy pursued in this country of late years, and the policy pursued in other great departments of the State. If we look at the policy which prevails in the Home Department, if we take the financial policy of the Government, or if we take the foreign policy of the country, as was well stated by my noble Friend near me (Lord Palmerston) upon another question in the earlier part of the evening, we find upon the whole, that with various differences with respect to matters of fact and to details, certain leading principles are continuously followed out, and that upon these leading principles there is a general concurrence of opinion; so that no person ever proposes seriously to alter the fundamental principles upon which the foreign policy of the country has been conducted under a long succession of Ministers. But that which I think requires still more and more to be presented to the mind of this House and of the people of England, until it become with them a living and practical conviction, is this proposition, that in the policy we have pursued in the foundation of colonies—I speak now of our free and planted colonies, not of military posts termed colonies, nor of colonies whose social relations are disturbed by questions of race—we have proceeded on principles fundamentally wrong; and that the Acts introduced and passed by Parliament for the purpose of raising, by slow and reluctant degrees, the structure of freedom in those colonies, have not been so much recognitions of a right principle, as modifications, qualifications, and restraints imposed upon a wrong principle.

Now what is this right principle of colonisation to which I refer? It may be enunciated in my view by one word, or at least one phrase, to which I will presently come. Your ancestors, two hundred years ago, when they proceeded to found colonies, did not do it by coming down to this House with an estimate prepared, and asking so many thousands a year for a governor, a judge, an assistant judge, a colonial secretary, and a large apparatus of minor officers. What they did was this. They collected together a body of free men, destined to found a free State in another hemisphere, upon principles of freedom analogous to our own, which should grow up by a principle of increase intrinsic to itself, and, enjoying that freedom under the shelter against foreign aggression from civilised Powers which your imperial power was to afford them, should in process of time propagate your language, manners, institutions, and religion in distant quarters of the globe. But it was not on artificial support from home that these institutions leaned; and the consequence was that they advanced with a rapidity which, considering the undeveloped state of communications and of commerce at that time, was little less than miraculous. That was the consequence to them; and the consequence to you was this, that you never heard of pecuniary charges brought against this country for their maintenance; that, on the contrary, you found them ready to assist you in your foreign wars, and that instead of being called on to send regiments, service companies, and I know not what besides, to maintain the domestic police of those colonies, and keep the peace for them against unruly members of their own communities, or against savage tribes upon their borders, such was their admiration of freedom, and such their profitable use of it, that not only did they not ask you for your regiments and service companies, or petition you for means to keep the peace, but they held it as a grievance if you attempted to impose on them your little standing armies, and they considered that, having been educated in English habits and ideas, they were perfectly competent to follow out the paths in which those habits and ideas conducted them for themselves.

Such was the then state of things. Departing from that scheme of policy in later days, you have implanted a principle, if not of absolute, yet of comparative feebleness in your distant settlements. You have brought upon yourselves enormous expense; and, by depriving them of the fulness of political freedom, you have deprived them of the greatest attraction which they could possibly hold out to the best part of your population to emigrate; because Englishmen do not love to emigrate to countries where they cannot enjoy the political franchises which they enjoy at home, and where the regulation of their interests will be committed to the hands of a Government which, however mild and equitable, must still be called in principle despotic. Whatever we may say as to despotism—and I am not given to take an over severe view of despotism, where it is adapted to the habits of a country and its social state—yet as regards freeborn Englishmen, such a system is most monstrous and most irrational; and the consequence has been that there is a subject of complaint present and familiar to us all, namely this, that you have been unable to get the superior classes of the community to emigrate; for the high-minded, well-educated men, who would have been themselves the centres of a valuable social influence, have been reluctant to leave the shores of England, because they were unwilling to forfeit the advantages of a state of high civilisation, and to incur a certain deprivation of the great bulk of their political liberties. And thus our modern colonists, instead of remaining, as formerly, in continuous and hereditary possession of their liberties, after quitting the mother country, instead of keeping them, and handing them on as the regular and unquestioned heritage of their children in another hemisphere, go out to Australia or New Zealand to be deprived of these liberties, and then perhaps, after fifteen, or twenty, or thirty years' waiting, or yet more, to have a portion given back to them with great and magnificent language about the liberality of Parliament in conceding free institutions; while during the whole of that interval they are condemned to hear the whole of the miserable jargon which has grown into use about training them for free institutions, and fitting them for the privileges thus conferred; whereas, in point of fact, so far from thus training and fitting them, every year and every month during which they are kept out of the possession and familiar use of such institutions, and retained under the administration of a despotic Government, renders them less fit for free institutions, and the consequence is that the introduction of them at length is attended with great embarrassments; liberty comes to them as a novelty: its working is something strange and unknown, attended with hazard, uncertainty, and excitement; and thus you have inconvenient or disastrous consequences brought upon you by your own fault, which you might have avoided if you had only followed that which in this case no one need be ashamed of holding up to commendation as the wisdom of your ancestors—if you had only walked in the path they struck out for your guidance. Let the people you send out to colonise a distant land take root unmolested in their new ground as the seed of a future community, as the natural and living centre around which population is to grow; and instead of training them for free institutions, rely upon it that the best training they can have is the training they have already received before they left your shores, and while they are still British citizens; let them carry their freedom with them, even as they carry their agricultural implements, or anything else necessary to establish them in their new abodes; so let them hold it for themselves, and so let them transmit it to their children. This is the true secret of subduing the difficulties of colonisation.

I said that in propagating these opinions I did not rest upon the speculations of philosophers and economists—I rest upon the facts of history. The system which I recommend, which I am certainly convinced will gain ground from year to year in the feelings and convictions of this country, is the very same system in the main with that on which the whole of the great and wonderful operation in colonising North America was conducted—the system which Mr. Burke studied, examined, and comprehended from top to bottom, and which he described in his great speech on American taxation, when he warned the Parliament against the erroneous and destructive consequences of attempting to establish administrative power over their distant dependencies, or to extract from them some miserable and contemptible pecuniary benefit, instead of seeing that the great interest and purpose of England in colonising was the multiplication of her race; that her policy was to trust to the multiplication of her race for the propagation of her institutions; and that whatever course of legislation tended most to the rapid expansion of population and power, in her colonies, necessarily tended most to enhance the reflected benefits that she was to derive from their foundation. That sound colonial policy reached its climax in what I may call Tory times, although they were times immediately preceding the invention of our now familiar political designations. In 1662 the Charter of Rhode Island was granted. It is the most remarkable for its enlarged and liberal spirit of all the early charters; yet in its general character it is akin to the rest of the charters, under which the infant settlements of New England throve and prospered. At this day it is considered a monstrous idea that colonies should have free local jurisdiction for local purposes. It is not considered safe to allow colonies to pass at their own discretion a law relating to the making of a road, the deepening of a harbour, or any local purpose; so that an act of this kind after passing a Colonial Legislature, nay, even after receiving the Governor's assent, is not secure from reversal, but is still, as it were, held in a state of suspended existence for two years and upwards. It is remitted to England, considered in England, and again sent to the colonies; and thus, until the news is received there its fate remains uncertain: in point of fact, a period of nearly three years may elapse in our distant colonies between their final decision on local questions—the only criterion of fitness in this case which is worth a moment's attention—and their final knowledge whether their decision is to take effect. That is the state in which they are placed, and the way in which their affairs are managed. I should like to know what our feelings, temper, and humour would be if this was the mode of dealing with laws passed by us on subjects which we understand—say, for instance, an Act for the construction of a Great Western railroad, or other similar purpose —if such an Act, passed on our own knowledge of the circumstances and exigencies of the case, were to be transmitted to another quarter of the world, and there kept by somebody in an office for two years, while some person or persons unknown were deliberating upon its fate. That, however, Sir, is the system under which, in this age of freedom and enlightenment, we are content that our colonies should subsist.

But the old idea of a colony may be represented, as I have already said, by a single phrase—it was, in fact, the idea of a municipal corporation. Now, it will be useful to consider the sense attached to that phrase. In the departure from it we find a key to the alteration of our colonial policy from the old model. We do not now treat our municipalities with the same system of misplaced absolutism as we apply to our colonies; we place them under the restraint of the general laws of the land, but for purposes properly local we give them absolute freedom. The by-laws of Liverpool or of Manchester—places counting their population by hundreds on hundreds of thousands—are not sent to the Secretary for the Home Department to be kept for two years, that he may consider whether they are to be carried into effect or not, but they go into operation at once. Shall I ask this House to consider, or would it be possible for us by any strain of imagination to realise to ourselves, what our condition would be if it were not so? Such a system would seem to us fitter for Turkey than for England. The system of those times was well considered, and was founded on the dictates of political justice. The colonies were subjected, on one hand, to the general restraints of the law of England; and again, according to the language of their charters, they were to have their laws, as near as might be, agreeable to the laws of England; whilst in other respects they were, for all practical purposes, absolutely and entirely free; and I must say, further, the degenerate and degrading ideas we now have of retaining the substance of colonial patronage partly, and still more the name, in this country, for the supposed benefit of Ministers or influence of the Crown, were totally foreign to the notion of your ancestors six generations ago. These colonies, on the general basis of municipal corporations, were the possessors of their own soil; they were for all purposes of police, except that of conflict with civilised Powers, the defenders of their own frontiers; they were the bearers of their own charges: they were the electors of their own officers; and they were the makers of their own laws. Now, you have reversed, within the last seventy years, every one of those salutary principles. Your policy has been this: you have retained at home the management of, and property in, colonial lands. You have magnificent sums figuring in your estimates for the ordinary expenses of their governments, instead of allowing them to bear their own expenses. Instead of suffering them to judge what are the measures best adapted to secure their peaceful relations with the aboriginal tribes, and endeavouring to secure their good conduct—instead of telling them that they must not look for help from you unless they maintain the principles of justice, you tell them, "You must not meddle with the relations between yourselves and the natives; that is a matter for Parliament;" a Minister sitting in Downing-street must determine how the local relations between the inhabitants of the colony and the aboriginal tribes are to be settled, in every point down to the minutest detail. Nay, even their strictly internal police your soldiery is often called upon to maintain. Then, again, the idea of their electing their own officers is, of course, revolutionary in the extreme—if not invading the Royal supremacy, it is something almost as bad, dismembering the Empire; and as to making their own laws upon their local affairs without interference or control from us, that is really an innovation so opposed to all ideas of imperial policy, that I think my hon. Friend the Member for Southwark has been the first man in the House bold enough to propose it. Thus, in fact, the principles on which our colonial administration was once conducted, have been precisely reversed. Our colonies have come to be looked upon as being, not municipalities endowed with external freedom, but petty States. If you had only kept to the fundamental idea of your forefathers, that these were municipal bodies founded within the shadow and cincture of your imperial powers—that it was your business to impose on them such positive restraints as you thought necessary, and having done so, to leave them free in everything else—all those principles, instead of being reversed, would have survived in full vigour—you would have saved millions, I was going to say countless millions, to your exchequer; but you would have done something far more important by planting societies more worthy by far of the source from which they sprung; for no man can read the history of the great American revolution, without seeing that 100 years ago your colonies, such as they then were, with the institutions they then possessed, and the political relations in which they then stood to the mother country, bred and reared men of mental stature and power such as far surpassed anything that colonial life is now commonly considered to be capable of producing.

I will proceed to recite in a few words, the main provisions of the charter of Rhode Island—which is, on the whole, the best and most perfect exhibition of your ancient maxims of government applied to the American settlements. Its constitution consisted of three orders—a governor, a body of assistants, and a body of freemen. The freemen, as it was anticipated in this charter that they would become numerous, were to meet by representation; and thus in these elected freemen, with the distinct order of assistants, a principle was laid down, the principle of the double chamber for legislation, which had stood the storm of the American revolution, and the strain of all subsequent political vicissitudes; and which at present subsists with undiminished vigour, in every single State, I believe, of the American Union. But further, Sir, while the first Governor was named in the Charter, and was to hold his office for a year, his successors were to be appointed by the free voice of the colonists; and, doubtless, to many who hear me it will appear astonishing that that power should have been conceded in 1662, when not merely the warmth, but the fever, of Royalism was at its height in this country. They were not only to elect their own Government, but to make their own laws, subject to no other restraint in the world, except that, as far as circumstances would permit, they should be not contrarious but agreeable to the laws of England. They were to appoint their own officers and judges; they were to constitute their own courts of justice; they were to arm, embody, and march their own force for self-defence, and appoint its commanders; they were to be the possessors of their own soil; and lastly, they were to be the bearers of their own charges. It might be asked what security was taken for their good behaviour to others. The security taken, whether perfect or not, was certainly as perfect as any more recent policy has furnished; it was provided that, in case of their offending any Prince or Power in alliance with the Crown of England, they should either be bound to make restitution to the satisfaction of the Crown, or else (says the charter) they shall be "put out of our allegiance and protection." Now, Sir, two centuries have passed, and have produced many changes in the character of mankind, and I will not say that in all points, which may now be in debate, that Rhode Island charter ought to be implicitly and blindly imitated; but this I will say, that when we look at the constitutions we have given of late years to our colonies, the Acts we have passed, the difficulties we have had with them, the millions we have paid for the suppression of insurrections, and for the maintenance of wars with savages, the worrying processes to which colonists have been subjected, the complaints on all sides of the deteriorated tone of society in many of these dependencies, the reluctance once universal, and still somewhat prevalent of educated and superior men to cast their lot and make their home there—when we notice all this, and when we see that 200 years ago a system conceived in another spirit was carried out by our forefathers, we surely cannot draw the comparison, I should rather say the contrast, without a blush upon our faces.

I shall now come to the Bill of the right hon. Gentleman, which I shall endeavour to discuss in a spirit of fairness, and without offensive insinuations. I am bound to say, then, that on the whole this Bill is creditable to Her Majesty's Government, not because it goes back to the system generally represented by the Rhode Island charter, but because on the whole it indicates a real intention to approximate to that system, and concedes a larger measure of freedom than has hitherto been given, under Parliamentary enactment, without perhaps a single exception, to any of our colonies. My hon. Friend the Member for Southwark complains of the Bill as recognising too much the political existence of the local settlements, and he proposes that it should be left to the Central Legislature to create local political authorities according to the dictates of expediency. On the contrary, I must say, notwithstanding my respect for his authority, and my general concurrence in his views of colonial policy, that I think the recognition of these local settlements one of the most excellent features of the Bill. One of the characteristics of our modern legislation, as far as colonies are concerned, has been its arbitrary character. You have endeavoured to draw lines for yourselves, instead of following those which nature and subsisting circumstances have drawn for you. It is a mistake in my opinion to say that you require a large amount of population to constitute a self-governing political society. The right hon. Gentleman the Secretary for the Colonies has said, here are six settlements, the inhabitants of which are united by proximity to one another, by common pursuits and relations, in a great degree by common ideas, and a common industry and trade; but generally separated from one another by wide intervals of space. Well, there is, if I may so call it, the social unit; and the right hon. Gentleman has recognised it, and has departed from the modern traditions of colonial policy by granting a considerable share of political power to those small communities working independently one of the other. I am glad to find in this arrangement a protest against those attempts to centralise by law where there is no sufficient attraction to a natural centre, which can only produce weakness and dissatisfaction. When I consider how well an opposite system has worked in North America; when I consider how much of the character of the Union and its stability depends on the strict division into States, and the rigid maintenance of their separate authority and jurisdiction, I do not hesitate to say that the recognition of these small communities which are to have a substantive political existence of their own, while they are likewise to be associated together for other more general purposes, is, in my view, one of the fundamental merits of the Bill, and promises, nay, constitutes, a real advance in the spirit of our colonial policy. Indeed, as I shall presently show, the Bill would be much better if it went further in this respect, and endowed these settlements severally with independent legislative power for all purely local purposes.

I come now, Sir, to the passing of laws: and with respect to this part of the subject, I must observe that the right hon. Gentleman has introduced what is called the thin end of the wedge, although it is a very thin end indeed, to relax, and finally, as I hope, to break up the present system. It is now for the first time proposed by a Minister, that Bills may be passed in a Colonial Legislature, and may finally pass into law, without being subject to what is termed the *veto* at home. The district legislatures of New Zealand are to be empowered, if Parliament should adopt the Ministerial plan, to make laws upon all subjects whatever, with certain specified exceptions, These acts are to be liable to *veto* only from the Governor of New Zealand: and although an unduly prolonged period of time is assigned him for the exercise of that power, yet in principle the concession is important; for if that officer shall not think fit, these measures will never be heard of in Downing Street as subjects for deliberation at all. Now this is a matter in which much care and consideration is requisite, and the ground must carefully be measured and ascertained, before we go to the extreme length which, on general principles, might be thought desirable: but, keeping those principles in view, I thank the right hon. Gentleman for the qualified recognition of them by the provisions of his Bill.

Another valuable feature of the measure I find in the arrangement proposed with regard to the composition of the smaller or district legislatures. Here, again, the right hon. Gentleman has had the courage to burst the bonds of another most mischievous modern superstition: I mean that superstition which prescribes that a certain number of nominees shall be introduced into the legislative constitutions of our Colonies, in order to maintain what is called the just influence of the Crown: a topic on which I shall touch more largely by and by, when I come to the question of an elective as compared with a nominated Upper Chamber for the Central Legislature. The right hon. Gentleman has provided that in the district legislatures there shall be only one house or chamber. This I so far regret, that I should have preferred a plan based upon the old distribution into the two orders of assistants and freemen, which supplied the groundwork for a division into two separate chambers, whenever it might seem advisable. But as we are to have only one chamber, I am heartily glad that there are to be no nominees in it. No Crown influence is to be cherished by such spurious means; election, and election only, is to prevail; and the Secretary of State has delivered himself and us from that idea, which sat upon us in former times like a nightmare, that a colonial constitution could not work without an infusion of nominated members—a device that, so far as I can perceive, has no purpose except that of sowing and perpetuating dissension.

The right hon. Gentleman has moreover made another step in advance, a step much in accordance with the old spirit with which our first colonies were guided. He has proposed to hand over, with certain restrictions, the control of their own land to the colonists. Now this I take to be no small merit in the Bill before us; especially when I remind the House that two years ago, when we were invited to legislate for New South Wales, it was in vain that some Members urged upon the Government, and upon Parliament, the necessity and the equity of doing the same thing. The Bill gives to the colonists of New Zealand that right of dealing with their own lands which we refused in 1850 to the more mature and powerful colony of New South Wales. And although this boon is clogged, as I shall show, with objectionable conditions, yet by it the right hon. Gentleman shows that in principle he is willing to assent to the demand made by the colonists in regard to this weighty particular. There is another point also which I think of great importance; without which, indeed, I do not think I could consent to waive the objections I might take to the details of this Bill. I refer to the largeness of the power of alteration. Every single regulation, every single enactment of the British Parliament in this Bill, is subject to revision and alteration. The right hon. Gentleman does not attempt to exempt any one of them from the touch of the profane hands of the Colonial Legislature. This measure permits the Colonists to pass Bills for the purpose of altering every political arrangement that may be made for them by the British Parliament, only providing, which I cannot think unreasonable, that such Bills as deal with organic changes should be remitted home. Now, these are the great merits of the Bill of the right hon. Gentleman; and on the ground of these merits, on the ground that they are so many approximations upon his part to the old Colonial system of this empire, I am disposed to sink many of my own peculiar opinions and desires, and to lend a hand, if I can, to the progress of the measure.

I come now to the gravest of the points in which I am disposed to object to the provisions of the Bill; and, first, I agree with an objection urged by the hon. Baronet the Member for Southwark. I am afraid that a great difficulty will arise from that which is called the concurrent jurisdiction of the legislative bodies. There is an unnecessary complexity in these institutions. You have positively got a hierarchy of three orders of legislative bodies in New Zealand, topped by a Government and Parliament at home. You have a Central Legislature, and a district legislature. Under them you have a municipal legislature, properly so called. I cannot help suggesting that this municipal chamber might with very great propriety be swallowed up in the district legislature. You have an unnecessary complexity; and depend upon it, where there is such a complexity there will be confusion. The more simple your plan, the better it will so far be likely to work. Moreover, these district legislatures would, after all, be legislatures only for 1,200 or 1,500, and from thence up to some 5,000 or 6,000 people. If that be the case, of which there is no doubt, there can be no necessity for a municipal legislature —the district legislature will be thoroughly adapted to all the purposes which we commonly call municipal. A concurrent legislative jurisdiction is a matter of great difficulty. We know that it would be so in this country; and I do not perceive how it can work without confusion in the Colonies. And here I detect the lack of a guiding principle in the framing of this Bill. Take, said the hon. Member for Southwark, the Central Legislature, and make it the fountain of power; on the other hand I say, let the district legislature be for New Zealand, and under its circumstances the fountain of power. But I do not think this Bill proceeds consistently either on the one principle or on the other; and concurrent jurisdictions, I must confess, are to me subjects of apprehension and alarm. A concurrent jurisdiction in the business of legislation means uncertainty, conflict, and confusion. The overriding of arrangements, already made under authority deemed competent, by extraneous power, must ever lead to annoyance and angry feeling. What reason can there be, if these district legislatures are fit to deal with the subjects which come before them—what reason can there be that their decisions should be subject to revision? I will put this in the form of a dilemma. If these district legislatures are fit to deal with the subjects you entrust to them, why not let them deal with them? If they are unfit to deal with them, why put into their hands the power to meddle with them? Unity of power is essential—clear discrimination and accurate division of power are essential to the repose of a community, and to the harmonious working of its institutions. Look to the United States, which is the great source of experimental instruction, so far as Colonial institutions are concerned. There you will find unity of power, and correct division of power; but you will not find concurrent jurisdiction. This proposition in the Bill rests upon the notion that there is no unity in the political system. Whereas it is an essential condition of a healthy and a strong Government that there should be unity. We know very well where the organ of power lies in this country. It lies with us in Parliament. Certain functions are delegated by us to other bodies, but we do not interfere with them or override them in the exercise of functions so delegated. But these district legislatures are not to exercise certain powers delegated to them by the Central Legislature. They are to exercise all powers whatsoever except only upon certain limited and specified subjects. I look upon this objection to the Bill as one of very great force. If I am asked why, recognising the force of this objection, I do not join the hon. Baronet the Member for Southwark in deprecating the further progress of the Bill? My answer is, the large powers of alteration which the right hon. Gentleman has given in this Bill, render it unnecessary. My belief is, that the highly intelligent community you have foended in New Zealand, more thoroughly reflects the spirit, the character, and intelligence of England, than almost any other among all your Colonies; and my opinion is, that they will exercise so clear an intelligence in discerning what is for their own good, that they will rectify the error of our crude legislation, and will, extricating themselves from this complexity, attain to a unity of system and a clear and accurate discrimination of power.

Another great objection to this Bill is this: Having constituted these local legislatures, you enable them to pass laws upon all subjects, except certain ones, which are reserved. Now, the great bulk of the laws they will pass, will be purely local. Indeed, as to the district legislatures, there can hardly be such a thing as an exception. There will, therefore, be no necessity for referring these laws home. This proposition is, I must observe, virtually acknowledged: for it is required, not that these Acts shall come home, but simply that they shall go to the Governor of New Zealand. Only to the Governor: you ought, therefore, not to subject the Colonists to so long a period of uncertainty as two years before they can ascertain whether their measures will be approved of or not.

Now, Sir, I must confess that, under the circumstances, I am disposed to make great sacrifices of opinion, and to yield my own private views, in order to see this Bill have a chance of becoming the law of the Empire. But if this Bill is to be fought in Committee, as it is termed, and if all opportunities are to be taken by Gentlemen, thoroughly educated in the doctrine and discipline of colonial philosophy, for lecturing the Government and the House of Commons upon the pure theory of colonisation, I am afraid we shall have but a small chance of such a desirable consummation. I do not, therefore, speak of amendments and divisions in Committee: but I simply put it to the Government whether the proposed term of two years is not rather too lengthened a period; and I suggest, especially as those Acts will be local, that a period of from four to six months would be amply sufficient for the purpose, and that this limitation would, moreover, detract nothing in any respect from the value and efficiency of the Bill. I have said already that I do not feel disposed to pursue my own opinions, that I am ready to yield them in the most important details of this political arrangement, because I have placed before myself the only alternative which remains, namely, the acceptance or the loss of the Bill. Sincerely wishing, then, that this Bill should pass, I shall, notwithstanding refer to one or two Amendments, which, as at present advised, I think if not absolutely essential, yet in a high degree valuable and expedient for the measure, reserving it to myself to act in regard to them hereafter as shall on the whole appear most prudent.

The right hon. Gentleman has thought it fit, following the traditions of his department in this particular instance, that the settlers in New Zealand, composed of Englishmen and natives as intelligent as ourselves, except in so far as they may have lost their intelligence by having lived so long under what must in strictness be called arbitrary government, the right hon. Gentleman has thought it fit that each one of his six districts should be governed by a Superintendent, who is not to be elected, but who is to be nominated by the Governor of New Zealand, and that this functionary, to relieve him from the risk of starvation, should have provided for him, by our parental care, a salary of 500*l.* per annum. I would respectfully suggest, Sir, if we could get rid both of the nomination and of the salary, it would be a great improvement in this Bill. From what source is it that political appointments derive their attractiveness and honour? I have the distinction of sitting in an Assembly of six hundred Gentlemen who give their laborious services to the country without fee or reward: we have, again, in the service of the State a great multitude of salaried offices; yet no man can say that these salaried offices, many of them bringing distinction as well as emolument, are coveted more than a seat in this House. Why is such a seat, with the heavy burden of duties attaching to it, so coveted? Because every seat in it is a mark of the confidence of a portion of our fellow-countrymen. That confidence stands instead of money, and it does the work of money better than money itself can do. If you would allow these communities to choose out from among themselves those whom they believe to be the best men, you would find, without undertaking to provide them with 500*l.* a year for their labours, that the office would become the object of honourable competition; and it would be, in addition, I venture to predict, the means of making the colony attractive in a degree far beyond your present experience, of drawing from England to that colony men of a different class, men of a higher class than you can ever get to go in numbers to any of your Colonies, until you stamp them with the same broad, and deep, and indelible character of freedom which has been marked upon all your institutions at home.

There is another objection which I have to urge, which I consider to touch a matter of the deepest importance—I allude to the question of the nominated upper chamber or legislative council in the Central Legislature of New Zealand. The intention of the legislative council or upper chamber is, that it should check and control the other legislative chamber; and it is proposed that it should be composed of nominees of the Crown. In this important particular the plan of the right hon. Gentleman differs, and I must say greatly degenerates, from the plan of Lord Grey. Having had the misfortune frequently to differ from that noble Lord on his colonial policy, it is with the greatest pleasure that I acknowledge the excellence of his plan in this particular respect. His intention, as I understand, was that the council should be composed of persons elected by the district legislatures. It is quite plain whence he derived that hint. It was from the United States of America; and in going, as I have stated, to the constitution of the United States to draw hints and suggestions for the improvement of our colonial institutions, he resorted to the very best fountain of instruction founded on experience; and if there be one thing in the constitution of the United States of America which more than others entitles the great authors of that astonishing work to the gratitude of their countrymen, and to fame as wide and lasting as the world, it is the system which they have devised for the election of the Senate—which, proceeding on the principle of providing for the election of Senators from separate States, each considered as units and all as equal, establishes a check on the power of mere numbers or pure popular election. The right hon. Gentleman in this particular has fallen back upon the ordinary modern practice, and he proposes to create an upper chamber by the nomination of the Executive. Against that I say that this Bill ought not to make any such provision, but that the legislative council ought to be elective. [*Cheers.*] Those cheers came from the Liberal side of the House—it is on that side that the elective principle finds favour. Now, let me illustrate this state of opinion here by a reference to what is taking place in the British North American Colonies. If you trace the recent annals of Canada, you will find that there have been, at more periods than one, several energetic movements made to get rid of nomination in the election of the Legislative Council. These movements have, however, been always defeated. And how have they been defeated? These movements have been all made by the Tory or Conservative party in the colony, and they have been all defeated by the Liberal party in the colony. And why? Not because the Liberal party were opposed to the principle of election—quite the contrary—but because the Liberal party have during those periods been in a position of power, they, without opposing the principle of the change, which, on the contrary, they, I believe, commended, have acted on the familiar and well-known principle, "Let well alone." When they came into power, they had an intractable Legislative Council, composed of nominees, to deal with—and how did they proceed? To use a homely phrase, which all of us understand, they swamped it, by procuring the appointment of a large number of persons of Liberal principles. Thus the majority was converted into a minority, and the minority into a majority; and the Council by this process was brought into harmony with the Assembly. But it is the Conservative party in Canada, the party which is opposed to rapid and incessant change, and which wishes to introduce a principle of stability and continuity into the institutions of the province, that desires to abolish the system of nomination. The same thing has occurred within the last few months in Nova Scotia, where there has been a great struggle of parties, and a division of opinion exactly similar. The Liberal party has there, too, succeeded in maintaining the principle of a nominated legislative council against the Conservative party, which is in favour of an elective council; but the victory has been gained by a majority of only one. Such is the division of parties on this question; but how does the system work? What lights do we obtain from experience? It is not difficult to bring a House of Peers up to London, but it is exceedingly difficult to bring members of a Legislative Council to Toronto; still more difficult, perhaps, to bring them to Halifax, and certainly much more still to Wellington. You have not the inequality of fortune in the colonies that you have here; you have no class of men possessing leisure and wealth, who it may almost be said are born to political pursuits; who can afford to leave their places of residence, and come to considerable distances to attend to public affairs. It is found necessary there to pay the representatives of the people, not indeed for sordid purposes, but to enable them to bear the expense of their journeys, and the absence of the emoluments which they derive from their ordinary pursuits. Now the colonies do not grudge that payment when it is given to their own representatives, but they will not endure it when it is given to your nominees. The right hon. Gentleman must know what are the consequences which sometimes arise from this state of things. He knows that the Government is occasionally brought to something very near a dead lock, and that there is the greatest difficulty in obtaining a quorum of the Legislative Council to transact the public business. The cause is, that they cannot afford to absent themselves from their homes during the Session without being paid, while the people of the colony will on no condition agree to pay them as long as they exist as members of the Council by your nomination. I have now shown that in practice it is found most difficult to work the system of councils elected by nomination; and I have also shown you that, as regards political principle and opinion, it is the party favourable to stability which is endeavouring to get rid of nominated legislative councils, and to substitute in their place elective councils. The real truth is, that here we have another of those vulgar superstitions which it is necessary to protest against from year to year, until we see them effectually and utterly exploded—the superstition, namely, which induces men to believe that it is right to have a body of men in the colonies appointed in this country for the purpose of checking the free action of popular sympathies in those colonies. Now, Sir, if it were true that this country had a set of interests distinct from the interests of the colony in respect to its local affairs, I grant that you would be acting on a sound and right principle, in making provision for the separate and independent maintenance of those interests. But it is not so. You have no conceivable interest apart from those of the colonists. What serves their purpose best, serves your purpose best. That which contributes to their greatness—that which gives them strength, enlargement, and stability—that is their interest, and that is your interest also; and as for the notion of setting up a body of men by nomination who are to be the representatives of your interests, which are no interests at all, and whose offices are to be in the gift of Gentlemen in Downing-street, it is a most gross and serious error, not merely one of those idle errors that lie by in the lumber room and do no good and no harm, but an error full of practical mischief, and tending to keep up that intermeddling in the local concerns of the colonies, which is so prolific of weakness to us, and of vexation to them. For reasons like these, I must say it would be most gratifying if the Government would reconsider this question of a nominated upper chamber, and would introduce a provision similar to that of Earl Grey.

There is yet, Sir, another point to which I must refer. It relates to the New Zealand Company. The hon. Member for Chichester (Mr. J. A. Smith) has spoken of the disinterested conduct of that company: and I do not at all question that patriotic motives have governed the gentlemen who formed the direction. But I must confess that for colonial purposes, when once companies of this nature get beyond the purely commercial business of bringing the capital of the old country into contact with the soil of the new country, I look upon them with an ineradicable jealousy. So long ago as the time of Adam Smith they had acquired with him the ill repute of being the greatest obstacles to the well-being of colonies. We have one most unfortunate instance of this in the case of the Hudson's Bay Company, which spreads a death-like shade over a large region of North America. I object altogether to the management at home of the local affairs of colonies such as we have now in view; but if we are to have government from hence, I say let it be the Queen's Government; let it be the government we see on that bench, the government which we can face and interrogate, with which we can argue, and whose errors we can expose and condemn; but as to companies of this kind, which fall into the hands of irresponsible individuals, into which necessarily a narrow spirit creeps, and a spirit that gradually becomes more and more narrow, I certainly look upon them with the greatest jealousy, when once they get beyond that which I have ventured to characterise as their proper sphere. No doubt there may be exceptions, and the New Zealand Company may be one of these. I certainly do not mean to draw a comparison between it and the Hudson's Bay Company; but I maintain that too much of territorial power and of political relation has belonged to it. I am afraid, too, that the course of its affairs has proved most unprofitable to the proprietors and directors, as well as most costly to the Treasury of this country. I will not now inquire who is right or who is wrong, but it is certain that besides a sum of 236,000*l.* already paid by us, there is an unpaid bill of 268,000*l.* more still owing by the colony to the Company. Now it appears to me, that by this measure we do essentially alter the position of the New Zealand Company in regard to this debt, which is already a subject of great soreness in the colony. Sir, I think that we ought not by this Bill to do any such thing: and I am not willing to be responsible for such alteration in favour of the New Zealand Company, and against the colonists. The Act of 1847 declared, that after winding up the Company—

> "There shall be charged upon and paid to the New Zealand Company out of the proceeds of all future sales of the demesne lands of the Crown in New Zealand, after deducting the outlay for surveys, and the proportion of such proceeds which is appropriated to the purposes of emigration, the sum of 268,370*l.* 15*s.*"

So far the Bill of 1847 corresponded with that of the right hon. Gentleman, inasmuch as it was based upon the calculation of 5*s.* per acre of the Company's lands, which it was proposed the Company should be entitled to receive. Now, there is all the difference between a first mortgage and a second; but the claim of the New Zealand Company was neither a first mortgage nor a second, but something very indefinite and unsatisfactory to a creditor indeed—namely, a third mortgage. The first mortgage was for the surveys. The second was elastic beyond description, being such proportion of the proceeds as might be applied to emigration; the Company was only the third claimant. Now, what was the proportion appropriated to the purposes of emigration? I hold in my hand the opinion of the English law officers of the Crown upon a case drawn up for their consideration, and they said—

> "In obedience to your Lordships' commands

we have considered the case submitted to us, and have the honour to report that we are of opinion that (regard being had to the Acts of Parliament, agreement, and land instructions above referred to) no definite proportion of the proceeds of future sales of demesne lands of the Crown in New Zealand is to be regarded as appropriated to the purposes of emigration, and that the Crown has the power from time to time to fix and alter that proportion by instructions previously to the extinguishment of the debt of the Company."

So that the first charge is for the surveys. By the second charge you are to vote out of the proceeds of land sales so much as the Crown shall think fit for the purposes of emigration. And, thirdly, you are to pay over the residue to the extent of 268,000*l.* to the New Zealand Company. The Bill of the right hon. Gentleman, on the other hand, while it makes over the management of the lands to the Legislature of New Zealand, goes on to state, that in respect of all sales there shall be paid to the Company sums after the rate of 5*s.* for each acre of land so alienated; and this appears to be an absolute unconditional payment, independent of price; and a first charge, independent of the cost of surveys, independent of funds for emigration. I say, then, that in point of fact you are entirely altering the position of the New Zealand Company. [Sir J. PAKINGTON made a gesture of dissent.] I am glad to see that the right hon. Gentleman does not intend to alter it. I am satisfied that if he did alter it, it would be a matter of extreme delicacy and difficulty. Recollect you are getting very near the edge of the ground of the old disputes with America, and the old colonial revolutions; for this is, after all, a question indirectly, if not directly, of colonial taxation. These lands are deriving a value not from your passing any Act of Parliament to give it them, but from coming into proximity with other lands, where capital and industry have been invested, and where communities have sprung up, and the intercourse with those communities as it spreads from point to point creates the value of the lands. In the present instance those lands are under a mortgage of 268,000*l.* to the New Zealand Company, but it is a third mortgage. Keep it a third mortgage. I do not ask you to make their position worse: nay, I would protest against making them worse, but I am not prepared to make them better; and I do feel that this alteration of the incidence of a burden of such magnitude is a question of so vital a character, touching the most delicate and nicest points of the relations between Great Britain and the colonies, that, with whatever reluctance I might adopt the conclusion, yet if the position of the New Zealand Company is to be varied to the prejudice, by one tittle, of the colony, I, for one, cannot take upon myself the responsibility of being a party to passing this Bill during the present Session.

Sir, I most sincerely apologise for detaining the House so long upon this interesting subject, but the question of our colonial policy is one growing in importance from year to year; and having feelings deep and of long standing in regard to it, I have ventured to trespass on the time of the House, an offence for which I trust my apologies will be received with the same indulgence which has been conceded to my prolonged remarks.

SIR JOHN PAKINGTON said, he hoped, under the circumstances in which he was placed, the House would be kind enough to indulge him for a very few moments. He had listened with great pleasure to the able speech addressed to the House by the right hon. Member for the University of Oxford (Mr. Gladstone), in many of whose principles he certainly concurred. But when the right hon. Gentleman, with his usual eloquence and ability, argued, that the manner in which the very early settlements of our American colonies were formed, ought to be the model of our colonisation at present, he (Sir J. Pakington) could not concur with him, because the right hon. Gentleman had lost sight of the different circumstances under which they were formed, and had forgotten what a small and insignificant portion of our Empire our Colonies then were. He did not think the right hon. Gentleman bore in mind the effect which must be produced upon such questions by the enormous increase of our Colonies in all parts of the world, by the effect which this, of course, had upon our relations with foreign countries, and the extent to which those relations had affected the mode in which we must deal with our Colonies. Neither had the right hon. Gentleman remembered the extended commerce which had resulted from this great increase in our colonial Empire, nor that many of these Colonies had been founded by the outpourings of our convict population. He did not advert to these topics with the intention of dwelling upon them at any length; for, as they had been touched by the right hon.

Gentleman, they rather formed an essay upon our Colonial system than referred to the question immediately before the House; namely, the Bill now under consideration. The objections which had been made to this Bill resolved themselves, he thought, into two classes: first, it had been objected, that at this period of the Session the House ought not to think of proceeding at all with this measure; and then, again, serious objection was taken to the provisions of the measure as they stood. Now, he (Sir J. Pakington) had never concealed from himself or from this House the difficulty of an attempt to deal with a question of this interest and of this magnitude, commenced not only at a very late period of the Session, but at a very late period of a Session under such peculiar circumstances as the present. But he had put it to the House distinctly, in moving for this Bill, whether or not the circumstances in which New Zealand was placed, were such as to render it incumbent upon the Parliament to make an effort to legislate upon the subject in the present Session; and whether or not, considering these circumstances, there was not established a necessity for legislation which the House were bound to attempt to meet. The general sense of the House on all sides upon that occasion seemed to be that it was a subject with which the Government ought to deal, and the principles which he explained were such that the House appeared willing to enter upon them. As he had then explained his intentions, so it was the Bill now stood; he had made no alteration whatever in its principle. The question now was, whether there was any reason why the House should be deterred, by the lateness of the Session, from proceeding to make this an Act of Parliament? His own opinion was a strong one that they ought yet to proceed; and, subject to the pleasure of the House, he should endeavour to carry out that opinion; for he saw no reason why they should not be successful, providing they approached the measure in a spirit indicated by the hon. Member for Malton (Mr. J. E. Denison), and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), namely, not to look at individual opinions, but to see whether the general principles of this Bill were not sound and safe; whether it would not confer upon this Colony a great blessing for which they were very anxious; and, above all, to look to that which no one speaker had mentioned, excepting only the right hon. Gentleman who had preceded him, namely, that he had introduced into this Bill large powers for the new Legislature, when constituted, to alter and remould their institutions in such manner as their own experience might prove to be the best. He must say that when hon. Members had urged either that this Bill ought not to be dealt with now, or that the arrangements contemplated were in themselves objectionable, he thought they had not sufficiently regarded the peculiarity of New Zealand in many respects. The right hon. Member for Northampton (Mr. V. Smith) had urged that this Bill ought to be sent out for the approbation of the Colonists. But the right hon. Gentleman forgot, that with regard to New Zealand we had opportunities of getting to know the opinions of the inhabitants better than those of any other of our Colonies. There was in this country, the New Zealand Company, the Canterbury Association, and the Otago Association, connected with which were a large number of persons deeply interested in the welfare of that Colony. There were also in England at this time very many gentlemen, residents in New Zealand, deeply interested, too, in the prosperity of the Colony, and he believed that for every one of those persons he was entitled to say that they were extremely anxious for immediate legislation, and, that, generally speaking, they approved of the provisions of the Bill which he had ventured to introduce. The hon. Baronet the Member for Southwark (Sir W. Molesworth) had stated that this Bill was opposed to the feelings of the inhabitants; but the fact was, that they had expressed no dissent, and he did not believe they were inclined to express dissent. It was perfectly true that meetings were held in opposition; but the parties who had promoted those meetings were now in England, and were among those who were urging the Colonial Office to legislate. There was no ground whatever to suppose that the provisions of this Bill would be unacceptable even to the very gentlemen to whom the hon. Baronet adverted. The hon. Baronet had objected very much to the division of the country into provinces, and to the provincial councils; he had talked of them as being little miniature Colonies in themselves, but in the next sentence he had proceeded to say that their acts would be null and void, and that they would be subjected to the control of the Imperial Legislature, thus complaining, in fact, that they were not sufficiently independent. This objection, to say the least of it, seemed to involve a great inconsistency. He had heard with great surprise the hon. Baronet turning these settlements into ridicule, saying it was a settlement of Presbyterians, a settlement of Episcopalians, and a settlement of country bumpkins. Then the hon. Baronet adverted to New Plymouth in terms of ridicule, asking why it was to be created a distinct province with a legislature of its own? He (Sir J. Pakington) must say that he heard with great surprise the extent to which the hon. Baronet had turned the whole subject into ridicule. He always listened, not only with attention but with respect to whatever fell from the hon. Baronet on colonial subjects, because he (Sir J. Pakington) knew that no man in that House had paid more attention to those subjects, or understood them better: and he was therefore surprised to find him losing sight of the respect due to those colonies, their claims to popular institutions, and losing sight, also, of the manner in which New Zealand had been colonised. These colonies had not been founded round a nucleus of convicts; he was sure the hon. Baronet would admit that they were founded by the most respectable classes, by men of property and of education, and by men accustomed to the free institutions of this country; and that was the consideration which bore immediately on the objection which the hon. Member had urged. "Why," said the hon. Baronet, "are you going to have all this cumbrous machinery; why divide a small population of 26,000 persons into communities?" But the House was bound to consider of whom these communities consisted; they were bound to consider that they were composed of men of education, men of property, men who desired naturally in going out there to enjoy still the institutions of this country; and they would also bear in mind the advanced state of civilisation among the native tribes. They had not only to deal with these 26,000 Europeans, but (and it was a thing for which we ought to be thankful) to deal also with a native population advanced in civilisation, advanced in Christianity, and rapidly taking their places side by side with our European emigrants, and as desirous as they were for the enjoyment of free institutions. The hon. Baronet the Member for Southwark, as well as the right hon. Gentleman the Member for the University of Oxford, had dwelt upon the objections which might be raised to the clause introduced in the Bill with regard to the New Zealand Company. Now, he had introduced that clause solely upon the principle of justice. He thought he should lay this Bill open to very grave and serious objection if he should enable the New Zealand Company to say that, in making the attempt to bestow free institutions upon the Colony, he thereby put them into a worse position than they were in before. He could not help hoping, too, that he had been successful in his endeavour to do justice, inasmuch as he was accused to-night of having done a great deal too much for the Company; while the New Zealand Company had done him the honour to pay him several visits complaining that he had not done enough for them. He hoped he might assume, therefore, that he had hit upon the just medium between the two parties. At all events, he had not put the New Zealand Company in as advantageous a position as the right hon. Gentleman (Mr. Gladstone) supposed. He spoke under correction, as he had not long given his attention to this complicated matter; but he believed he was right in stating that the claims of the New Zealand Company did not turn exclusively upon the Act passed in 1847. Subsequently to that Act, although there had been no more legislation, an arrangement was made, and now stood in writing, between the Government of this country and the New Zealand Company, in virtue of which arrangement they were to receive one-fourth part of the land. The right hon. Gentleman also complained very much of the hardship of the colonists having their local Acts hanging over their heads for two years before they knew whether they would be dissented from by the Imperial Government. But the right hon. Gentleman afterwards admitted that he (Sir J. Pakington) had intimated his intention practically to dispense with that power. Whether rightly or wrongly, he did think it was advisable that the power should be reserved to the Governor to send home for consent such Acts as he might be induced to think so much out of the ordinary course as to require it. His (Sir J. Pakington's) intention was, that the Governor should act under instructions from home; but, as a rule, all local Acts should be disposed of at once. The right hon. Gentlemen likewise objected that there should not only be a Central Legislature and Local Legislature, but the lower grade of municipal institutions. Now, we in this country valued our municipal institutions very highly, and it should be remembered that the Bill merely reserved to the governing power in New Zealand the right and authority which at present existed to call municipal institutions into existence, as necessity might require; and the right hon. Gentleman would admit, that although municipal institutions might be superfluous now, in subordination to the local legislatures, the day might soon come when, by the spread of population, new towns and villages would spring up in the neighbourhood of the existing settlements, which would be glad to avail themselves of municipal institutions. He would not detain the House further at that late hour, except to say a few words with reference to the important question as to the policy of making the Legislative Council elective or not. Now, upon this point, he must say he differed widely both from the right hon. Gentleman (Mr. Gladstone) and the hon. Baronet the Member for Southwark (Sir W. Molesworth). When he (Sir J. Pakington) moved for leave to bring in the Bill, he urged a fact which could not be contravened—that there we had no precedent for an elective Upper House. The right hon. Gentleman the Member for the University of Oxford said, he wished to draw a precedent from the United States of America. His (Sir J. Pakington's) answer to that was, that he would rather draw a precedent from Great Britain; and he was disposed to think that, however lightly the right hon. Gentleman might treat the idea, it was a very general feeling in our Colonies. No complaints existed with respect to a nominee Upper Chamber in any of our existing Colonies. It would be remembered that the proposal to give an elective Upper Chamber to the Cape of Good Hope excited very strong feelings of alarm in that Colony; that it was anything but a popular proposal even now; and his (Sir J. Pakington's) belief was that Parliament would yet be obliged to change it, in deference to the wishes of the colonists. It was a well-known fact that where there were two elective chambers, great difficulty was felt as to the mode of election which would give to the Legislature the full value derived from the check of an Upper Chamber. Nothing, he believed, was more difficult than to find such a mode of election. Looking, therefore, to the extent to which it was desirable to make the Colonies a reflection of the constitution of the mother country; looking to the necessity of an Upper Chamber as a check upon a Lower; looking, moreover, beyond that to the fact that, as he had said before, we had no precedent for an elective Upper Chamber; that the nominee chambers worked well in our Colonies; that the colonists had no desire to change them; and that the honour of a seat in them was much coveted by men of character and station in the Colonies—looking to all these considerations, he must say that his feeling was a strong one in preferring a nominee to an elective Upper Chamber. He hoped, therefore, that this point would not be a serious impediment to the progress of the Bill. He did not understand that any serious opposition was intended to be offered to the second reading of the Bill. When the Bill went into Committee, therefore, he hoped the House would deliberately and carefully address itself to the question as to whether the Bill should be met in a spirit of concession and compromise — whether, looking to the large powers of alteration by the local authorities which it contained—the Bill should not be allowed to pass at once, and thereby put an end to the anxiety which prevailed in New Zealand, by giving them the advantage they had long prayed for, and which they were now urging as strongly as ever; or whether the Bill should be met in a spirit by which every clause would be disputed, every nice point made the subject of long debate and division. If they adopted the latter course, he confessed he should despair of success, and should be obliged to resort to the alternative of passing a suspending Act, because he could not allow the Act of 1846 to be revived. He hoped better things, however. He trusted that the Committee would proceed to discuss the Bill in a spirit that would enable them to pass the Bill in the present Session.

Sir JAMES GRAHAM said, he did not rise at that late hour to protract the present discussion. The time for protracted discussion was already passed. In speaking for himself he would only say that he was not at all disposed to offer any opposition to the second reading of the Bill; and that he was perfectly ready to go into Committee for the purpose of discussing the various clauses in such a spirit that, if possible, the Bill should pass into a law during the present Session. He must say, however, that he entirely agreed with his right hon. Friend the Member for the University of Oxford in thinking that the clauses which related to the arrangement between the Legislature of this country and the New Zealand Company were clauses of immense importance. He agreed with his right hon. Friend entirely in wishing that the existing arrangement with the Company should be adhered to in every particular; and he was led to believe that the clauses to which he had referred, as they at present stood in the Bill, were a departure from the existing arrangement, and varied to a great degree from that arrangement in favour of the New Zealand Company. He had understood the right hon. Secretary of State for the Colonies to say that the measure of 1847 was not the only foundation of the existing arrangement with the Company, but that it rested upon a subsequent arrangement. The right hon. Gentleman spoke of the matter as a document, not which he himself had seen, but of which he had heard. Now, surely, before the right hon. Gentleman introduced clauses of this importance, varying a statutable arrangement, he ought to have seen the document upon which they professed to be founded. At all events, he seemed to be aware of its existence. If, therefore, he had seen it, or was aware of its existence, it was absolutely necessary, before the House came to discuss the clauses in Committee, that the document should be produced.

Mr. MANGLES said, the members of the New Zealand Company would be quite willing that the statutory arrangement made with them should remain intact; but what they complained of was that the Government proposed to hand over the land, which was their security for a sum of 268,000*l.*, to other parties. The arrangement had been made upon the verdict of a Committee of that House, appointed under Sir Robert Peel's Government, composed of Members hostile to the Company.

Sir JOHN PAKINGTON was understood to say that before the Bill went into Committee, he would lay on the table the letter containing the agreement made between Earl Grey and the New Zealand Company for carrying out the Act of 1847, and defining the portion of land to which the Company were entitled.

Mr. WALTER said, that, as the example of the elective Upper Chamber of the United States had been referred to, he might be allowed to observe that there was this essential distinction between the Upper Chamber of this country and that of the United States, that the members of the Upper Chamber of the United States were elected only for life, whereas the essence of the Upper Chamber of this country consisted in its being hereditary.

Mr. CHISHOLM ANSTEY would, when the Bill went into Committee, vote for the omission of any clause or clauses which had the effect of setting up, either in the shape of a distinct chamber, or of a component part of a chamber, any body of nominees of the Crown.

Question put, and *agreed to.*

Bill read 2°.

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 24, 1852.

Minutes.] Public Bills. — 2^a Property Tax Continuance.
3^a Stock in Trade; Highway Rates.

COMMON LAW PROCEDURE AMENDMENT BILL.

Lord CRANWORTH brought up the Report of the Committee, and moved that it be received.

Lord LYNDHURST said, he would venture to trouble their Lordships by calling their attention to a rumour that had obtained circulation, to the effect that this measure was distasteful to the Government, and that they had retarded its progress through the Select Committee, in order to prevent its passing into law during the present Session. He (Lord Lyndhurst) thought it right to say that there was not the slightest foundation for this rumour. The Bill had been introduced by his noble and learned Friend who had lately held the Great Seal (Lord Truro); it was read a second time, and referred, as a matter of course, to a Select Committee. The Members of that Select Committee examined the Bill, clause by clause, for several days. A change then took place in the Government, and for a short time the meetings of the Select Committee were suspended, for the purpose of ascertaining what course the new Government intended to pursue with respect to this Bill. The Bill, as a matter of course, came under the consideration of the Government, who adopted the measure; the sittings of the Committee were then renewed, and continued until the indisposition of his noble and learned Friend. As the Bill had been framed by him, it was considered proper and respectful that the sittings of the Committee should be suspended during his illness; but in order that no delay should take place, such of the law Lords as were members of the Committee met in private, to continue the examination of the clauses, in order that when the Committee again met, the measure should be as mature as possible, and no further delay should take place. When his noble and learned Friend was again in a condition to attend the Committee, the Bill with all the Amendments was considered, and adopted, and was now reported to their Lordships' House. He thought that after that statement their Lordships would be of opinion there was not the slightest foundation for the report that had been in circulation respecting the hostility of the Government. He begged the House would indulge him while he made a few observations on the Bill itself, because little had been said of it in its progress through the House. The object of the Bill and of the Select Committee was to simplify and abridge the proceedings in the Superior Courts of Common Law, as far as was consistent with a due regard to justice; and he thought those objects had been successfully accomplished. He would not go through all the clauses of the Bill, but there were a few points to which he would refer. It was a well-known fact, that of actions commenced in the Superior Courts, not more than 2 per cent, or 1 in 50, were contested; and when he told their Lordships that by the operation of the Bill, in all that numerous class of cases the costs would never exceed 3*l.*, their Lordships would admit that the labours of the Committee had been very beneficial to the country. The case in which hitherto there had been more perplexing technicalities than any other, was in action for slander or defamation; but all that would be required by the present Bill was, that the statement of the defamatory words should be placed upon the record with the injury the plaintiff attributed to them, and all the jury would have to find was the fact of the words having been spoken, and the sense they applied to them. It had been a question whether it was desirable to retain the forms of action, or whether it would not be better to allow each party to state his own case in his own words. The question was much considered by the Committee, and after a careful examination they were of opinion that it was not advisable to adopt the latter course of proceeding. In the first place, it was said, that from inadvertence, carelessness, or ignorance of the law, errors would arise; and again, if they let a party state his own case in his own words, a great deal of unnecessary matter would be introduced, and a great deal of perplexity would ensue. The consequences would be —what the Committee was desirous to avoid—application to the Judges in chamber to strike out unnecessary matter. The Committee therefore had adhered to the ancient forms, but they had struck out every word that was unnecessary. There was another point, and a material one, to which he would refer, with respect to the plurality of pleading. It was supposed by the public that nothing could be more inconvenient than to allow the defendant to resort to a great variety of different pleas. The abuse had been carried to a very great extent; but at the same time, if a party had two good defences, and was obliged to abandon one and select the other, it was the greatest possible injustice. The Committee had therefore allowed double pleas in cases of that description. A party against whom a claim was made, might contest a claim, and say there was no foundation for it, and he might also rely upon a set-off; and it would be an injustice to say that a party who had thus a double defence should be compelled to rely only upon one of them. There was another point to which he also desired to call attention, which had originated with his noble Friend the late Lord Chief Justice (Lord Denman). It had reference to the law of ejectment, and he had received a communication from his noble and learned Friend that if the third reading were fixed for Thursday, he would be able to attend and urge the Amendments he desired to have adopted. In order to obviate the inconvenience that might arise from bringing forward those Amendments on the third reading, his noble and learned Friend had sent to him the form of notice which he proposed to place upon the Votes; that notice would be printed before the discussion came on, so that noble Lords might know the points to which he meant to refer.

LORD CRANWORTH was rejoiced, in common with their Lordships, to hear the statement that had been made by the noble and learned Lord; but he hoped their Lordships would not conceive that the points to which he had adverted were the only important points in the Bill. They might fairly be taken as samples of the

Amendments, which would have a tendency to make the law in the Superior Courts of Law more cheap and intelligible. He did not give credence to the general notion that the Government were opposed to this measure. He considered that it was looked upon as a question unconnected with party, and that the measure would lead to beneficial results.

Motion agreed to.

PROPERTY TAX CONTINUANCE BILL.

Order of the Day for the Second Reading, read.

The Earl of DERBY: My Lords, although it has been suggested by a noble Friend of mine that it would be desirable to read the Property Tax Continuance Bill this evening, merely *pro formâ*, and that the discussion upon it should be taken on the Motion for going into Committee, I think under the peculiar circumstances in which we are placed as regards public business, such a course would be attended with inconvenience to the noble Lords on the opposite side of the House, as well as to some on the Ministerial side: and moreover it is important that this Bill should receive the Royal Assent with as little delay as possible. I therefore submit to your Lordships the proposition that you will now read a second time the Bill for the Continuance of the Property and Income Tax for one year longer. My Lords, in bringing this subject before your Lordships, it will not, I am sure, be expected that I should go into any details as to the state of the revenue and expenditure of the country, or as to the particular reasons which have induced the Government to propose the renewal of this tax for a limited period. Your Lordships must be well aware that at the commencement of the present Session, upon the change of the Government, there was a general understanding on the part of this as well as the other House of Parliament that with the exception of the current and necessary business—with the exception of such measures as were not likely to lead to serious differences of opinion, no business was to be brought forward by Her Majesty's Ministers. Her Majesty's Government have even declared that in the present Session of Parliament it was not their intention to introduce any measure that would be likely to involve any serious conflict of opinions, and more especially in regard to questions affecting the finances of the country. There was, my Lords, more than this understanding—there was a distinct declaration that no measure materially affecting the commercial or fiscal condition of the country would be introduced into Parliament this Session. The question, then, for the consideration of Her Majesty's Government was, not whether any alteration could be made in the fiscal or commercial policy of the country, or whether they could make such alterations in the revenue and expenditure of the country as might enable them to dispense with a tax of this character, the objections to which I should be the last man to undervalue—but, my Lords, the question was, whether without any new tax, or without any new arrangement of our system of taxation, it would be possible for us to dispense with either the whole or any portion of the Property and Income Tax. Now, I think a single word will satisfy your Lordships that, even if it had been desired wholly to dispense with this tax, which was levied originally for a temporary purpose, and which I still hope may be looked upon as temporary, but is merely continued from year to year to meet the pressing necessity of the case—I think your Lordships will agree with me, that unless we feel ourselves in the position of making some general or final arrangement in respect to the whole system of taxation, it would be inexpedient to discontinue the whole or any portion of the tax which it might be necessary for the public service to restore in the next Session. But, practically speaking, we had no alternative before us; for though there is a surplus of income over the expenditure of last year, yet as an important alteration in the taxation of the country had taken place, the effect of which did not come into full operation until the present year, it was difficult to say what the result of such alteration would be upon the revenue of the country. Without troubling your Lordships with the figures in detail, the result is something to the following effect. If the income tax had been altogether taken off in the course of this year—one-half of the tax being receivable in and carried to the credit of the present year—we may reasonably calculate that at the close of the financial year, instead of this surplus, there would be a deficiency of income to the amount of 2,500,000*l.*; and by the loss of the remaining half of the income tax that would fall upon the following year, the result of our not renewing it would be this: that in the year of 1853 we would find ourselves in a deficiency to the amount of about 5,000,000*l.* The statement which my right hon. Friend the Chancellor of the Exchequer submitted to the House of Commons a few evenings ago went to show that the result of retaining the whole tax, supposing that no alteration had occurred in the receipts, would be, on the best calculations, to give a surplus of 450,000*l.* upon the revenue of this year. This is a surplus which I am sure your Lordships will agree with me in thinking is not more than is absolutely necessary to meet the probable exigencies of the State, and the call that may be made on us for increased expenditure; nor is it more than is necessary for us to keep as a balance in hand for the maintenance of public credit. Under these circumstances, feeling ourselves bound by the stipulation which we have entered into—not to introduce, in the present Session, any material alteration into our financial or fiscal regulations—and I will also fairly admit, not having the opportunity of considering or of proposing to Parliament, with due deliberation, any matured plan for the arrangement of our fiscal affairs, though we should even consider such to be ultimately expedient—Her Majesty's Government feel that they have no alternative, while desirous to retain that which both Houses acknowledge the necessity of maintaining, a surplus revenue, having a due regard to the maintenance of public faith and public security—they, I say, feel that they have no alternative but to make that proposition which I now submit to your Lordships, namely, to continue, without alteration or amendment, the existing property tax for another year, in order to afford us in the interval the fullest opportunity of considering whether it will be practicable to make any such alteration in the financial system of the country as will enable us to dispense with the whole, or any portion, of this tax. At the same time I should be deceiving your Lordships—I should not, I think, be acting a frank or honest part—if I were to hold out any very sanguine expectations that this would be the last occasion upon which I shall deem it necessary to submit to this House a proposition for a renewal of the tax. While I say this, my Lords, I cannot but admit the strength of the arguments that are urged for the removal or modification of the tax; because I think not only that it is one which ought not to be resorted to except in periods of war, and should not be looked upon as part of the ordinary resources of the country in times of peace, but also because, from the best consideration that I have been able to give to the subject, and from the consideration given to it by successive Committees of this and the other House of Parliament I believe the difficulties are almost insuperable which stand in the way of diminishing the tax on income as compared with the tax on property, but also of putting it on a better footing of equality as regards all parties. With that impression, I should be glad if the present state of the revenue, or, looking forward to our prospects a year or two—I should, I say, be happy if the revenue were in such a state as would enable me to hold out expectations of the reduction or the abolition of this tax. But this I cannot do; and therefore I think the course which the Government is taking, of proposing to continue the tax for the present year, is that which affords to Ministers and to Parliament the fairest and best opportunity of considering the practicability, in a future Session of Parliament, of its entire abolition or reduction; and I, for one, am willing to rest the proposition for the continuance of the tax for another year simply upon the question of necessity, for the purpose of maintaining the public credit. If it can be shown in any future Session that the credit of the country can be maintained, and that our finances can be upheld on a level with the expenditure of the country without it, I shall be the first to rejoice at the abolition of the tax. And if it should fall to the lot of the Government of which I am a member to submit to Parliament a proposition for the repeal, or even for the reduction, of a tax, which in its operation I believe to be not only unpopular, but justly so, because it is unjust and unequal in its operation, no one will be more rejoiced at having such a duty to discharge. But under the circumstances in which Ministers now stand—with the understanding that we have a prospect at no distant period that a reference will be made to the country as to our commercial and financial policy generally, I trust that your Lordships will not only give your consent to the second reading, but, in the position in which we are placed, you will be also of opinion that the continuance of this tax for a single year is the only course it is possible for Her Majesty's Government, under the circumstances, to take. I have, therefore, to move your Lordships that the Property Tax Continuance Bill be now read a second time.

The DUKE of NEWCASTLE: My Lords, I am sorry to be obliged to trespass on the attention of the House for a short time, before we come to a final decision on the second reading of this Bill. I am the more anxious to do so because, although it is certainly not my intention to oppose the second reading of the Bill, but on the contrary to give it my very cordial assent, I nevertheless feel that it is desirable, in the present condition of the country, in the present state of our financial measures, and in the uncertainty which attaches to the future in regard to fiscal legislation, that there should be upon this occasion some discussion, which shall set before your Lordships and before the country, not merely the policy, and the success or failure of that policy, which has been pursued for some time past in the financial and commercial affairs of this country, but also the bearing of this particular measure on that policy, the circumstances under which this tax originated, and the facts and circumstances under which it has been continued by successive Governments. My Lords, the noble Earl has spoken of this tax, as every succeeding Prime Minister and every successive Chancellor of the Exchequer has spoken of it, as a temporary tax; but I must say he appeared to me to have held out no greater hopes of its being speedily dispensed with than those of his predecessors who have been frequently attacked for continuing it, while they admitted its temporary character. The noble Earl tells us this is a temporary tax, but that he feels that it is indispensable, not only for one year more, but he fears it will be necessary again to renew it in a future Session of Parliament. And certainly it is impossible for your Lordships to dissent from that view, if the statement which he has made upon the authority of the Chancellor of the Exchequer be correct, that without the income tax there is every prospect in 1853 there will be a deficiency of five millions—that being, let it be borne in mind by the House, the amount of the income tax itself—so that he does not even hold out to the House, so far as he can judge, any hope of a diminution of taxes next year. The noble Earl will, I am sure, forgive me for an allusion to a statement which he made last year, to which I feel it necessary to call the attention of your Lordships as illustrating the history of this tax, because I think he did not correctly state the objects for which it was imposed. He then stated, if I recollect rightly, in assenting to its continuance for one year, that it was originally a temporary tax, instituted to supply a temporary deficiency. [The Earl of DERBY: Hear, hear!] Well, my Lords, the noble Earl cheers that statement, and it is true; but it is not the whole truth. It was a temporary tax, instituted no doubt to supply a temporary deficiency, but not in the simple acceptation of those words. It was not contemplated, by the imposition of that tax of 5,000,000*l.* in the shape of income tax, that the ordinary revenue would re-establish itself in a short time by its own elasticity and power of increase, and thereby produce a sufficient amount to enable that tax to be dispensed with; but it was imposed (and I am sure the noble Earl will not dissent from that statement, for he was a colleague of the late Sir Robert Peel at the time) for the purpose, not merely of meeting a temporary deficiency, but of enabling the Government of that day to make such extensive remissions and alterations in the ordinary sources of revenue as would eventually make them more productive, and thus enable the House to dispense with this tax. I believe that it is admitted as an axiom that, at the time it was imposed, we had arrived at the extreme point to which we could go in indirect taxation. In 1840, the Chancellor of the Exchequer of that day (Mr. F. Baring), being then, as he had been for a year or two before (I do not recollect the exact time), in a deficiency of very large amount, recommended to the House—and the House assented to the experiment—that 10 per cent should be added to the direct taxation of the country, and 5 per cent to the indirect taxes. What was the result of that experiment? Why, that the 10 per cent increase on the direct taxes brought into the Exchequer the whole amount contemplated by the Chancellor of the Exchequer, but that the 5 per cent on the indirect taxes, so far from fulfilling his expectations, brought in, as far as I can recollect, something less than 2 per cent. This was conclusive, on the point, that you could not replenish your Exchequer by a continuance of the system of taxation which was pursued at that time—it proved that the taxes upon articles of consumption had reached their utmost limits. And with a view to such a reduction as might reproduce, not merely the amount remitted, but a much larger sum, it was necessary to supply the temporary deficiency by an income tax. That was the policy of the late Sir Robert

Peel when he introduced the income tax in 1842. My Lords, in the speech which the noble Earl delivered last year, and to which I have already referred, he was apparently very far from approving of that policy. On the 19th of May last the noble Marquess who then represented the Government in this House moved the continuance of this tax for one year, and stated two special grounds for the proposal which he made. The noble Earl assented to the first ground, the necessity of keeping faith with the public creditor, and therefore the necessity, under the peculiar circumstances, of passing that Bill; but he dissented from the second ground in these words:—

> "He has also rested it on another consideration, with respect to which I must take leave altogether to dissent from the noble Marquess—namely, the expediency of what he calls developing and further extending your present commercial system, and still further facilitating the importation of those articles of foreign produce, the extensive, exorbitant, and unchecked importation of which has already brought so much ruin on this country."—[3 *Hansard*, cxvi. 1078.]

Now I am prepared to state as my deliberate opinion, after having paid the greatest attention to this subject for the last ten years, that, so far from the free-trade policy having ruined the country (and, indeed, the noble Earl must have some powers of vision that do not belong to other individuals, if in the circumstances of these times he can discover any sign of the approaching ruin of the country)—to that policy, not the ruin but the present prosperity of the country, and of the greater part of the classes comprising it, is due. The country, my Lords, is, I apprehend, the aggregate of the classes contained in it; and if you look for the ruin of the country, you would expect to find its indications, if it existed, in the state of the Exchequer, in the same way that you would, in reference to the financial circumstances of an individual, look to his balance in his banker's hands. My Lords, if we look at the question in this way, and inquire into the condition of the country, as shown by the state of the Exchequer, do we find that ruin has been the consequence of these large importations, and of the reduction of taxation that took place when the income tax was imposed, and the consequent reduction in the price of all articles coming under excise and customs duties? The revenue for the present year is the same within a few hundred thousand pounds as it was ten years ago, without taking into account the income tax; and, notwithstanding the enormous reductions which have been made in the customs and excise duties during that period (I believe the remission of taxes within the last few years amounts in round figures to 12,000,000*l.* of revenue), the whole of that enormous sum has been replaced to the Exchequer, without taking into account the income tax, with the exception of about 1,000,000*l.* which may be very fairly put out of the account when we consider the remission which took place last year, and the species of tax upon which it took place; a tax which, though pressing hardly upon individuals and classes in this country, was nevertheless of a character which it is quite impossible should reproduce itself, either in the present or in any future year. The revenue in 1842, when the income tax was imposed, was about 47,000,000*l.* sterling; and, notwithstanding the reductions that have been made, it now amounts to about 46,000,000*l.*, independent of the income tax. I have now endeavoured to dispose of the question of ruin, so far as relates to the Exchequer. What has been the effect of this policy upon the population of the country? This enormous increase in the production of the taxes of the country has arisen, of course, as every one must at once see, from the increased consumption of articles which pay duty. I have extracted from the Trade and Navigation papers a considerable number of articles of first necessity—articles used in the food of the people—and I will trouble the House by reading a few figures, showing the increase which has taken place in their consumption during the last few years. The consumption of coffee was 28,421,093 lbs. in 1841, and last year it was 32,564,164 lbs.; the consumption of tea, which was in 1841 36,681,877 lbs., was nearly 54,000,000 lbs. in 1851; and sugar, the consumption of which was 4,065,971 cwts. in 1841, was 6,594,308 cwts. in 1851. Of cocoa, the consumption was not quite 2,000,000 cwts. in 1841, while it was upwards of 3,000,000 cwts. in 1851. Surely, without troubling your Lordships with any further details of that description, it must be manifest that these figures, instead of indicating a state of ruin, indicate a high state of prosperity in all classes of this country, as compared with their state ten years ago. Now, what is the case with regard to our exports? In the same period they have increased more than fifty per cent. We are told by the noble Earl opposite, and by his Friends, however, that the effect of the free-trade policy, is that we now pay the revenue which was formerly paid by the foreigner. Why, I think that, on the contrary, we make the foreigner pay now. We have by means of this legislation—by the remission of taxes, by setting industry free, by increasing the means of the consumption of the people, and by lowering the duties on the raw materials of manufactures—we have increased the exports of the country more than fifty per cent. This is, I apprehend, the only legitimate, and, what is more, the only feasible way of making the foreigner contribute to the finances and to the revenue of the country. And, during the time to which I have referred, our imports have increased more than seventy per cent. And what now has been the effect of this marvellous increase of imports as regards those prophecies of evil with which this House and the other House were met ten years ago, and still more in 1846? Has gold flowed out of the country? Certainly not. So far from it, the quantity of gold in the Bank has steadily increased, and is now far greater than it has ever been in any year. What is the case as regards other countries in this respect? Whilst under our free-trade policy the quantity of gold in the Bank has increased to the enormous extent it has, what has been the case in America, whose tariff the noble Earl on a former occasion eulogised as being so much preferable to ours? Why, in the last Speech of the President of the United States, he stated that "the exports of specie on account of our foreign debt during the last fiscal year have been 24,000,000 dollars over the amount of the specie imported." Thus, whilst a country with a high tariff has been subjected to this inconvenience, which we were told we were to be subjected to by the reduction of our import duties, we, on the other hand, by following out a better course, have received into our coffers the largely increased sum at present there. I do not know whether, by his smile when I alluded to the fact of these prophecies not having been fulfilled, the noble Earl referred to what I have lately seen alleged as the reason for what is called "the comparatively light pressure of free trade on the industry of the country"—I mean the discovery of gold in California. This was stated on the hustings in Buckinghamshire; and I think I have seen that the noble Earl has, on a subsequent occasion, though not in this House, given, in some form or other, an assent to that proposition. I believe that it is impossible that we can at present appreciate what the effect of this discovery will be; but this I apprehend, that its effect at the present moment cannot be great. In the first place, the system of free trade has been in operation now for a considerable time; while the influx of gold from California is comparatively of recent date, and until within the last two years, or even less, no great quantity has come to this country. But, my Lords, supposing that this is the case, supposing that the gold from California has indeed operated what the noble Lords and others call a "mitigation of the evils of the free-trade system"—if the limited quantity with which we have been hitherto supplied has had this effect—may I not fairly turn this fact, if fact it be, as an argument against the noble Lord and the Protectionist party generally? Why, we have not now to look merely to California, but an enormous importation must before long take place from our Australian colonies—and a large quantity may probably come from another island in our possession—and we do not, in fact, know how many gold fields may turn up before many years are over. If the effect, which the noble Lords mean, of course, when they describe the limited quantity of Californian gold as having saved us from what they describe as the frightful consequences of free trade, has taken place, the enormous quantity of gold which must soon come in is a reason, not against the continuance of the free-trade policy, but is a reason showing that it will become an absolute necessity; and that unless you not only continue that policy, but carry it out to its fullest possible limits, you will inflict upon the consuming classes of this country a very serious and enormous evil. I say, therefore, in regard to this newly-discovered means of evading the benefits, as I say, or mitigating the evils, as the noble Earl says, of free trade, you are placed on the horns of this dilemma — either the effect has not taken place, or if it has taken place with so small a quantity of gold as has been brought here, the immensely increased quantity of gold that must come in absolutely necessitates the perseverance in the same policy. I should really be ashamed to detain your Lordships with many more figures on any part of this question; and I should feel more sorry to do so because I must say that I should be following in this House at an humble distance a most able statement made in another place by a right hon. Gentleman connected with the noble Earl's Government. I feel that anything I can say would be but a repetition, in many respects, of that statement, though in a manner and language vastly inferior to that which the House of Commons had the pleasure of listening to. And although that right hon. Gentleman has since stated, as I am told, that upon that occasion he expressed no opinion with regard to the policy of the remission of customs duties, he nevertheless did certainly bring forward such unanswerable arguments in its favour, that, as far as I am concerned, I can only say I am ready to make the noble Earl opposite a present of the opinions, and shall be very glad to reserve to myself and to noble Lords on this side of the House the arguments which the right hon. Gentleman used. To go for one moment into some of the principal articles included in the free-trade policy of the country for the last ten years, it is impossible to pass over that to which the right hon. Gentleman referred, I think with the most triumphant success. I, in common with the noble Earl opposite, had the pleasure of hearing the statement of the Chancellor of the Exchequer upon the triumphant success of the free-trade policy of the last ten years, and I am sure that I listened to the right hon. Gentleman with as great pleasure and admiration, and as full coincidence of opinion, as I can entertain no doubt the noble Earl opposite must have done. With reference to the policy of free trade, it is impossible to pass over the subject of sugar; but I do not wish upon this occasion to enter into any question of the policy of that measure with regard to the West Indian interest. That has been postponed by the Government for the present year. It is a great and important question; but I merely wish on this occasion to point out the advantages which have accrued to the people of this country as disproving the allegations of ruin which have been made by the noble Lords opposite. Ten years ago—that is, the last year of the restricted tariff—the consumption of sugar in this country was limited, in round numbers, to 4,000,000 cwts. per annum. At this moment, or rather at the close of last year, the consumption had risen in this short space of ten years—although it should be remembered that the free-trade policy, as regards the article of sugar, was not adopted to its present full extent till five years ago—to the enormous extent of nearly 6,900,000 cwts., an increase of 70 per cent in the course of five years. I have seen it lately stated in an excellent publication, that during this time the consumption of sugar by the poorer classes in this country has increased from 9 lbs. per head to 23 lbs. Now, no one who is conversant with the habits of the poor can be unaware of the enormous advantages of such an increase, and of the immense addition to their social enjoyments and comforts. Now, there is another point upon which I will touch very briefly, and the more so as I have reason to hope, from what fell from my noble Friend soon after he entered office, that at any rate it is not his intention to interfere with that alteration of the former law—I allude to the navigation laws; but still it is so important that I cannot altogether pass over it; more especially as in spite of the harsh prophecies of my noble Friend the Postmaster General (the Earl of Hardwicke) on that question, I think the repeal of those laws is one of the most triumphant vindications of the principles of free-trade policy. There can be no doubt that the passing of the new law, by opening fresh ports to our shipping in foreign countries—opening, that is to say, a more profitable trade than they can find at ports nearer home—so far diminishes the returns of the shipping in our own ports. But notwithstanding that diminution, the returns for 1851 of British tonnage cleared outwards and inwards is greater than in any year previously on record. But in case it should be objected that this is not a fair view of the case, I think no noble Lord can dissent from this view, that if you take the number of vessels registered, and the number of men employed, there can at any rate be no fallacy which could militate against a fair comparison; and this is the result of a comparison of this kind. In 1841 the tonnage of English ships registered was in round numbers, and omitting the smaller figures, 3,500,000 tons, which had increased in 1849 to 4,100,000, and in 1851 to 4,332,000. Now there is a corresponding increase in the number of men; and so far, therefore, from the nursery of British seamen being destroyed, it has been greatly increased by this measure—an effect which I am sure has exceeded the anticipations of those who advocated the measure, at least within so short a period as that which has elapsed since the passing of the Act. The number of men employed in 1841 was 210,198; in 1849 it had increased to 237,971; and in 1851 to 240,928. But, my Lords, besides this, new trades have sprung up. We have not lost any trade, and there has grown up a transit trade, which is likely to be of the greatest possible importance to this country, but from which we were previously excluded by the American reciprocity laws. Formerly, before the passing of the law, no transit trade with America could exist; but the reciprocity law of America stipulated that the same concession should be made by America as was made by any other country; and we are now, in consequence of our insular and intermediate position, able to avail ourselves of a transit trade to such an extent that a very considerable traffic and intercourse is springing up: in fact, there is a prospect at the present moment, if we may judge from the very short experience we have had, that England, with our great ports on the Thames, the Mersey, the Clyde, and the Humber, may soon become the *entrepôt* between Europe and America. And do we not already see the effect on the shipping interest of all this increased prosperity—for so I may term it, in spite of the statements and statistics of Mr. G. F. Young, and others, who have written on the subject? We see that the shipping interest is obtaining cheaper vessels: that, I believe, is known to all who, like my noble Friend on the cross benches (the Earl of Cardigan), indulge in the luxury of yachting. My noble Friend knows that any member of the Yacht Club could now get a good yacht built for less money than would have been possible five or six years ago, if he employs a proper person. At any rate, as regards the mercantile navy of this country, the vessels are far cheaper and better, the management is better, and, as the effect of these concurrent causes, a large and important extension of trade has ensued. There still remains another most important point, and one in which I, as an individual, as well as many of your Lordships, are very deeply concerned; I mean of course the agricultural interest, as affected by the repeal of the corn laws—the last trial of the principles of free trade as regards the duties of customs, on any very great or important scale. Now, my Lords, putting on one side for a moment the effects of the change on the farmers and those more immediately interested in the cultivation of the soil, may I ask what has been the effect on the great mass of the population of this country? I say, let the Gentlemen who are now canvassing with a view to the coming election go into our towns; let them not be content to go into the market on market day, and converse with those who buy and sell, but let them look also at the staple of your population, the men whose thews and sinews furnish the materials of all this traffic. Though it may not be the duty particularly of any Member of your Lordships' House, it is a necessity imposed on the Members of the other House of Legislature at this particular moment to make domiciliary visits in those towns; and it is this which will bring vividly before their eyes the amended domestic condition of their inhabitants. I do not talk only of those enormous hives of industry — Glasgow, Liverpool, Manchester, or Birmingham—I am speaking now of towns of 8,000 or 10,000 inhabitants, agricultural towns, the capitals of your counties, which live entirely by the agricultural interest, such as Salisbury, Grantham, and others; and I may, perhaps, refer to one from which the still small voice of warning has come up to London, within a very few hours (Windsor). I say, those who now visit the by-lanes and streets of such places must recognise, since their last visit in the less happy days of 1847, a marked change in the condition of the population, which can be attributed to no other cause than the decrease in the price of provisions, and the consequent improved means of living which the inhabitants enjoy. Would that your Lordships might be persuaded to accompany some of the Members of the House of Commons in their present canvass, and I say that if you did you would hear the truth from the wives and daughters of the householders. Yes, my Lords, you may smile at the statement; but there is no surer indication of the domestic state and condition of the people than what you may learn from the lips of women upon visits like these; and if you bring me 2 per cent of the women of the labouring classes of any town asking to have the corn laws restored, or any equivalent for the corn laws, in short, consenting to be deprived of what they call the cheap loaf, I will surrender this question at once. My Lords, I have not been long enough out of the other House to be entirely dissociated from these recollections. I have felt it incumbent on me, in consequence of circumstances peculiar to my own affairs, to visit the houses of many of the humbler class, in a way which some of your Lordships, who have been longer in possession of your property, may not have been obliged to adopt, and I assure you I have heard from the wives and daughters of the labouring men of those towns the most touching expressions of thanks for the boon which has been conferred upon them, and the most earnest appeal that under no circumstances might they be deprived of it. My Lords, I have heard stories regarding the condition of these persons from their own lips, more touching far in their humble tone of heart-stirring appeal than anything which flowed from the pen of the Corn Law Rhymer, and better calculated, too, to secure the object which the Corn Law Rhymes were intended to promote. I am almost afraid of frightening the tender sensibilities of some of your Lordships by adverting to the subject; but I must direct your Lordships' attention for a moment, as the most striking evidence of the benefits which must have been derived by the great mass of the population, to the enormous quantity of corn imported into this country during the past few years. That quantity has amounted to 10,000,000 quarters in each year since the year 1846. It is difficult to anticipate with certainty the probable results of any measure at a period before its passing into law; but I recollect the discussions we had in the House of Commons as to the necessity of passing a measure of this kind. We were told that the country was able to produce sufficient for its consumption, and that it was desirable it should be kept as it then was, independent of other countries. But is it not clear now, after the trial this measure has had, with an annual importation of 10,000,000 quarters, is it not clear now how great must have been the privations formerly endured by the labouring classes, when, upon an average, not more than about 3,000,000 quarters annually found their way into this country? And is there a man in your Lordships' House who can feel that he could, consistently with his duty, venture on any course which would have a tendency to deprive of the fair reward of their hard toils the labouring classes of this great and rapidly increasing community? It is not necessary to restrict one's view to the towns; I challenge any man to extend his inspection even to the agricultural districts, to show whether they less manifest the great improvement which has taken place in the condition of the people. As bearing on this branch of the question, there is one point most deserving your Lordships' attention, as affording an indication of a most unequivocal kind—the state of the poorhouses. In the course of the last year the returns show a diminution over the whole area of England and Wales of 7½ per cent. That decrease has continued; and although I believe by the last returns it has not gone on at the same ratio, yet there is a further diminution of, I think, 3½ per cent in the half-year immediately passed. I hold these returns in my hand, and some remarkable facts appear on their surface relative to the greatest diminution of the poor-rates. We have been in the habit of hearing that the prosperity of the manufacturing districts has increased, but that this has been attended with a lamentable amount of suffering in the agricultural districts; but the returns prove directly the reverse. In some of the manufacturing counties, such as Leicester, Nottingham, and others, the difference is not considerable, and but a trifling decrease appears on the face of the returns; but amongst those which show the largest decrease are the strictly agricultural counties—Berkshire, Buckinghamshire, Devonshire, Westmoreland, the East Riding of Yorkshire—these counties present a decrease of 11 per cent. That of itself would prove that in the villages and small towns of the country, not less than in the vast seats of manufacturing industry, there has been a decrease of want and misery, and that the agricultural labourers have been enormously benefited in the substantial form of increased means of subsistence and increased employment. The same circumstances have been observed in the poor-law reports of Scotland. From the last report delivered by the Scottish Poor Law Commission, it appears that, as the expenditure has continued to diminish since 1849, so also has the number of poor; at the same time the number of persons relieved has decreased, whilst the average allowance to each registered pauper is higher than it was in 1848 and 1849. The principal causes of this decrease, the report adds, are no doubt the abundance of employment, and the diminished cost of sustenance. Thus in Scotland there is the same diminution of expenditure, whilst there has been an increased liberality in dispensing assistance. But perhaps the most remarkable proof of the improvement I have yet seen anywhere, is embraced in a report which I have seen from the Poor Law Inspector of the district, more particularly connected with the noble Earl at the head of the Government; and it is in every respect worthy the highest attention of the noble Earl, not merely as showing the admirable condition of the country, but because it describes the district in which the noble Earl resides, and which is no doubt so familiar to him. The district to which I refer, including within its limits the county of Lancaster, contains a population of 3,111,000 persons, and in the whole of that very large population there are at this present moment only 3 7-10ths per cent of the inhabitants receiving parochial relief—men, women, and children all included. Since 1848, pauperism has decreased at no less a rate than 40 per cent; and your Lordships will recollect that the corn law came into operation within a few months of that time. [The Earl of MALMESBURY: In 1846.] The Act was passed no doubt in 1846; but the alteration came into effect only in February 1849, so that it is clear that the diminution of pauperism was in fact perfectly concurrent with the actual abolition of the corn laws. The saving of expense, it is stated, has been considerable; for, on the maintenance of 79,388 paupers, it appears that a reduction of 237,000*l.* has been effected. Referring more particularly to the Preston Union, a portion of the district, Mr. Farnall proceeds to state that in 1848, the last year of the duty upon corn, there were 11,638 paupers upon the books, and in 1849 there were 11,102. It would appear, therefore, that the diminution was not so great as in the first year; but if the noble Earl will glance at the figures, he will observe how rapidly it has since decreased, for though from 1848 to 1849 there was only a diminution to the extent of 500, the diminution in the next year was from 11,102 in 1849 to 4,840 in 1850; again, in 1851 to 4,031, and at the commencement of the present year to 3,951. Other proofs of increased prosperity have presented themselves to me when attending the quarter-sessions of the county to which I belong, evidenced in the considerable diminution of crime among the resident labouring population; for I have observed that the business in which we often spent two whole days is now sometimes transacted in a very few hours. So much for the diminution of crime; as far as regards the district in which I am myself resident, we have very little of it amongst the labouring population. Have I not, then, a right, when I prove how the industry of the labouring poor has been relieved—when I prove how the workhouses are empty—when I show you how, instead of an immense amount of pauperism cooped up within their walls, their former inmates are now labouring in the fields, and earning their subsistence by honest toil—have I not a right to ask who are the friends of domestic industry? Is it those who by forced tampering brought the country into the condition into which it was before these measures passed; or is it not rather those who have relieved industry from its fetters, and, taking men from the workhouses, have set them to the performance of works of utility, whether at the loom or the plough? I am willing to admit that during the years to which I have been especially referring as regards the labouring population, there has been distress amongst the farmers. I am not evading that question, nor ever have done; I have always regarded it as a feature naturally to be looked for, and inevitable under a transition from one state of things to another. I am one certainly who never anticipated that that transition would take place without some distress. I am bound also to say that in many districts, as a natural consequence of the protective system, and I say it without fear in this assembly, rents were too high, and it was inevitable that, until those rents were reduced, and the state and condition of the farmer should be readjusted to that change, by which he may eventually profit, the farmers, under the altered system, must suffer. In short, I will state fearlessly before your Lordships what, upon occasions when I have been called to meet large bodies of the tenant-farmer class, I have abstained from telling them. I say that, as regards the great subject of the condition of the farming and labouring population, this question of protection is essentially a landlord's question. I really cannot sufficiently apologise to your Lordships for the length of a statement which I know it is at all times irksome to listen to, and which I am deeply sensible of wanting the power to make more agreeable. I should be most unwilling—indeed, I should be departing from the duty of a Peer of this House if I were to attempt—to prejudge the question of what it would become the duty of the noble Earl to do in the next Session of Parliament with respect to this measure now more immediately under consideration. I am certain there will not be a voice lifted in this House against the passing of the measure on the present occasion. I readily concur with the suggestion made, that it may be our duty to assist him, or whoever may then occupy the Ministerial bench, in the course of next Session of Parliament, in respect to a similar measure; but I must say that, looking to the facts before us, and the necessity of abstaining from prejudging the question, I certainly could have wished that we had not heard such very broad hints thrown out, not so much in this as in the other House, that the system of direct taxation is so vicious in itself, that it is impracticable without exceptions, and with exceptions is no better than confiscation. My Lords, I say I regret it, as an indication of what I trust is not about to take place; and I would almost derive some hope from the statement of the noble Earl as to the impossibility of dispensing at an early period with this tax. But I do hope that the noble Earl will take warning by all that is passing in the country at this time; and if this tax is eventually to be abandoned before the revenue has equalised itself by the increased productiveness of those taxes which now exist, I do hope that he will not resort to that which appears at first sight the simplest and most immediate, and therefore the prominent and obvious expedient, namely, an attempt again to impose duties upon imports of articles constituting the great staples of the trade of the country, or, more important still, the materials of the food of the people. I would wish on this occasion—it may be the last upon which any discussion of this kind will take place in the present Parliament—most solemnly to raise my voice in entreating the noble Earl to abandon any idea of the kind, which I must assure him would indeed be chimerical. I will not employ anything like menace in this House—God forbid I should!—even in this time of perfect quiet and contentment amongst the people; but still it is important that truth should be spoken; and I can assure the noble Earl that, unless I am greatly deceived, the people of this country, attached as they are to their Sovereign and the institutions of the country, will bear much, but they will not suffer any diminution of the advantages they have gained in this respect. I feel certain they will not bear any tampering by which, either through direct or indirect measures, any alteration of taxation will take place which may increase the burdens on the consuming class. I cannot doubt that this House will—as I feel confident that those who are about to be returned to the Commons House of Parliament will—support the people in any resistance which may be found necessary—though I trust it will not—and I feel sure that this House will resist any reversal of the great principle which in the last ten years has so enormously benefited the country and blessed its population; and when I say that it will resist a reversal, I comprehend under that term every proposal which has been included or insinuated under the name of revision—I do not mean, of course, such revision as may be found necessary with respect to the minor features of a plan; but I mean a revision such as is intended by some of those who are now canvassing under that new designation which I have no doubt the noble Lord has heard of—as Free-trade Derbyites—who do not scruple to pledge themselves to certain constituencies to what they call free-trade policy, whilst they leave themselves open to modification or revision. My Lords, if it is intended by these slippery words to do by indirect means what the people insist shall not be done by direct means, I am confident that the resistance of both Houses of Parliament will be equally great, and that the repugnance and discontent of the people will be proportionately greater as the means adopted are less justifiable. The noble Earl (the Earl of Derby), on a former occasion, in addressing this House, dwelt at considerable length upon the Conservative character of the Government, and the determination to resist what he called the encroachments of democracy. If these encroachments are seriously made, the noble Earl will find in me an humble follower in that respect; but I confess that at present I see but little sign of any encroachment of the kind on the part of the people, although you may occasionally hear an agitator's speech which falls flat upon their ears. But I say the noble Earl has not a right to assume to himself this character until he has made a clean breast on this most important question. I feel confident that a declaration on this night or any other before Parliament is dissolved, assuring the country that he has finally abandoned once for all any intention of restoring the corn laws, or tampering with the great commercial policy of which he was once a distinguished advocate—such a declaration, I say, would be reassuring; it would place him in a position before the people which might indeed entitle him to some claim of the kind to which I am alluding. But, my Lords, of this I am certain, that the Conservative policy of this day is a policy of rational, steady, well-considered — and because steady and well-considered, therefore safe and salutary—progress. I believe that you cannot stand still without danger; but of this I am still more certain, that—and the question involves even weightier interests and more solemn consideration than those which are wrapped up in a mere question of trade—if there is any attempt at reaction, then indeed the noble Earl will forfeit the character he has assumed, and he will, though unintentionally, yet most assuredly, be lending his aid to promote those rash projects which he thinks to arrest, and professes himself most anxious to defeat. I repeat, my Lords, the policy of a Conservative Government is that of steady progress; to stand still, again I say, is dangerous; and in my conscience I believe that at the present day a Government of reaction, however slow, is a Government of revolution.

LORD BERNERS did not desire to follow the noble Duke through the various topics to which he had adverted, but certainly he could not acquiesce in the conclusion he had arrived at. So far as he had been able to ascertain, the effects of free trade upon the labouring classes and the tenant-farmers were the reverse of what the noble Duke had represented; indeed, he knew that in those parts of the country with which he (Lord Berners) was acquainted—Norfolk, Suffolk, and Cambridgeshire—they were accustomed to couple together "free trade and starvation." In the manufacturing town of Leicester, too, he knew the state of the poor had been most unsatisfactory—wages had been reduced to the lowest point, and at one period last year one-tenth of the population had been out of employment, and receiving relief; and at a large meeting of operatives a few months since, he heard the opinion echoed—"Free trade meant low wages and starvation." From Parliamentary returns relative to the Poor Law, he drew facts and inferences very different from those stated by the noble Duke. He found that in 1850 the total amount of money expended in the relief of the poor was 5,395,000*l.*, which was more than the amount expended in 1836 by no less a sum than 677,000*l.*; and in 1850, the expenditure was hardly a farthing per head less than in the seven years of the highest average price of corn. Since the passing of the new Poor Law, in 1834, sixteen years had elapsed; and taking eight years in which wheat was above the average of 62*s.*, and eight years in which it was below the average (49*s.*), the result, by a large proportion, would be found in favour of the former period. The expediture in the eight lowest years, when wheat averaged 48*s.* 10*d.*, was 41,369,007*l.*; and in the eight years of highest average, namely, 62*s.* 6*d.*, was 39,467,481*l.*, leaving 1,901,526*l.* in favour of the highest price of wheat. By the last Poor Law Report, it appeared that the expenditure for the relief of the poor, in 1850, was greater than in the average of years before the repeal of the corn laws. The expenditure in 1850 might be less than in 1848; but it was greater than in any year between that year and 1836, except the years 1848 and 1849. Again, take another test — that presented by the savings-banks returns. From 1843 to 1846 there was a gradual increase in the deposits; but in 1846 there were 20,600 more depositors than in 1849; and the deposits were less by 306,000*l.* and upwards in the year 1849 than in that year. He would appeal also to the increase of crime and increase of emigration. He did not wish to detain their Lordships by any further observations; but he had been anxious that the observations of the noble Duke should not pass without contradiction, founded, as he believed they were, on very great misapprehension of the facts.

LORD WODEHOUSE said, the noble Lord compared the deposits in the savings banks in the year 1846 with those made in the year 1849; but he doubted not that every one of their Lordships was aware that 1848 and 1849 were years of very considerable depression, caused by certain circumstances wholly irrespective of the changes in our commercial policy. They were years of decline, not only on the amount of deposits in the savings banks, but on many of the great exports and imports of this country; and no person who took a just view of this question would think of using that argument against the policy which Sir R. Peel and the late Government had adopted. And now with regard to the poor-laws. It was certain that during the last three years there had been a considerable diminution in the number of paupers in workhouses. The condition of the labourers in his neighbourhood had been for years past a continuously improving condition, entirely owing to the cheapness of the necessaries of life; and he had been glad to find during the whole of the winter, that all the persons in the country with whom he had conversed, had invariably admitted that the state of the labouring classes had undergone very considerable improvements. Sufficient evidence that this was really the case was seen in the reports of the Poor Law Board, the statement therein being, that on the 31st of January this year, as compared with the 31st of January last year, there was a decrease in Norfolk of 13 per cent in the number of ablebodied paupers receiving relief in the workhouse, and in Suffolk and Essex of about 8 per cent. But, like the noble Duke (the Duke of Newcastle), he preferred, as the best of all, ocular evidence; and he would ask any man who knew anything of the labouring classes whether the position taken up by the noble Lord opposite was not utterly unwarranted by the facts? Even at Protectionist meetings, so called, the admission was now made that the condition of the labourers was improved: indeed, so far from their wages having diminished, there was at present an apprehension among the farmers that the rise in wages which was going on in some districts might by-and-by operate to the destruction of all profit upon the cultivation of wheat; and though he did not at all share in that apprehension, he referred to the fact that there was such an alarm as strong evidence of the flourishing condition of the labourers, as compared with their state previous to the repeal of the corn laws. With respect to the occupiers of land themselves, he admitted that there had been difficulty and embarrassment, aggravated particularly among those whose command of capital had been limited. But he was sure that the difficulty was everywhere decreasing. This, indeed, had been allowed by noble Lords opposite; and the concession was not a judicious one in regard to the soundness of their economical doctrines; for if their principles were correct, the depression of the farmers since 1846 ought to have been a steadily increasing depression; and if the farmers were living on their capital, and their profits were falling off, every year must bring them more and more near to the verge of that ruin which had been so long predicted, but which had not yet arrived; but he would ask those who were acquainted with the agricultural counties, whether instead of depression there was not a decidedly improved tone of the occupiers of land? How, then, did the noble Earl reconcile it to himself that he was exciting hopes that would be of no benefit to the farmers, and that induced them to depart from that course of industry to which they were giving their attention? One most preposterous argument had been used, namely, that, notwithstanding the importation of 10,000,000 quarters of corn, including last year about 5,000,000 quarters of wheat or wheat flour, not a single loaf more had been eaten. It was known, however, on all hands, that at present unprecedented quantities of artificial manure and guano were being used in agriculture in this country, and that draining was going on to an enormous extent. Then as to all other classes, the speech of a right hon. Gentleman (the Chancellor of the Exchequer) in another place a few nights ago was conclusive. The agriculturists themselves had made vast exertions, convinced that they could no longer look to Government for aid or protection; and he referred to the reports of the Inclosure Commissioners, to show that the cultivation of the large extent of land which had been enclosed could not have been without very remarkable effects upon agriculture generally. It appeared, from the report of the Inclosure Commissioners, that since their appointment, some seven years ago, there had been no less than 644 applications for inclosures; 160 of those were disposed of before the last annual report, and of the remaining 483, 364 were granted, and the land had been since inclosed, and the quantity of land authorised to be inclosed since the last general annual report was 46,798 acres. The noble Duke had dilated upon what he believed to be the feeling of the country on this question. It would probably be better if the question could be argued as an economical question, and as a question of reason; but it was clear that the great body of the working classes viewed this as simply a question of feeling, and that feeling no wise or prudent Minister would trifle with, for, rely upon it, they would not view a proposal to re-enact, fully or partially, the corn laws, as a mere political move. The statement of the noble Earl that evening had been exceedingly brief; but brief as it had been, it had greatly surprised him. He remembered that last year when the noble Earl had not the responsibility of Government upon him, but had failed in forming an Administration, he presented their Lordships and the country with a very ample, elaborate, frank and open, programme of what his policy would have been as distinguished from the policy pursued by the then existing Government. The principal point in that programme was a gradual diminution of the income tax, coupled with a moderate duty on corn. It was to be regretted that the noble Earl was not as distinct and explicit on this occasion, and that he had not taken the opportunity of relieving the country from the deep uncertainty in which it was placed with regard to the policy of his Government. It was very natural that noble Lords opposite should be but ill pleased with the constant recurrence of such remarks as these; but it was not the fault of those who were on that (the Opposition) side of the House that they had so frequently to entreat the Government to explain their policy; for it was, indeed, a very remarkable state of things when the Minister of Finance having made a statement in another place, confirming the facts upon which the late changes in our commercial policy were based, the First Lord of the Treasury should qualify his admissions and mystify his statement, not in his place in Parliament, but at a public dinner at the Mansion House. Under such circumstances, impatience for explicitness was excusable, and was indeed a duty on every Member of the Legislature. The interests at stake demanded that every doubt should be set at rest. It was not merely a question of reversing the policy of Sir Robert Peel—though he understood the Government had no intention of attempting to do that: it was something more—it was a question whether the present Government would adopt that policy in all its integrity, and carry it out to its legitimate lengths. That policy was not completed, it was only begun. There were still remaining unsettled questions relating to sugar; to the coasting trade, as affected by the repeal of the navigation laws; to the timber duties, an equalisation of which had been promised, and was greatly desired; and to the tea duties. On all these questions the country was entitled to some distinct explanation from the Ministers, and to know whether the Government were determined to deal with them in the spirit in which Sir Robert Peel had dealt with the other great subjects of his commercial policy. The interests at stake might be said to be more than of national concern. In the course now to be taken, the commerce of the whole civilised world was affected. The United States and the great nations of the Continent were looking to the commercial policy of England for a warning or an example. Some of these nations (as, for instance, Prussia) were wavering between an advanced and a restrictive tariff; and if England reversed her steps, and did not persevere in her free-trade policy, it would be believed that that policy was abandoned because it had not been successful. He believed the course the noble Earl was pursuing would be injurious to the great party of which he was the head; for he was convinced that he was discrediting that party by giving no explanation of his policy, and while he ostentatiously appealed to be tried by the country, refusing to declare the issue to be decided.

The EARL of ALBEMARLE regretted that the First Lord of the Treasury would not condescend to give their Lordships some inkling as to his future policy. This was the more to be lamented, because the noble Earl was not so chary of his declarations in other places, such as the Mansion House, for instance. His speech there had been well designated as an elaborate mystification; but even that was better than nothing. It was hard upon their Lordships that no explanation could be drawn from the Government, except what was elicited by turtle and champagne. The noble Earl, in a recent speech, spoke of great distress existing among parties not connected either with commerce or manufactures, and he supposed the noble Earl alluded to the agricultural classes; but it must be remembered that there were three distinctions of persons included among the agricultural classes—the labourer, the tenant-farmer, or the landlord: to which did the noble Earl allude? He would assume that the landlord was not meant, and it could not be the labourer, because there never was a period within the last fifty years in which the labourer was in a better condition than he was at present. Could any noble Lord mention a period in which the labouring man, thanks to the blessings of free trade, had had more bread, more bacon, more butter, more eggs, tea, sugar, and coffee—and another article, not a necessary of life, but the poor man's luxury—namely, tobacco? As evidencing the well-being of the labouring classes, he would refer to a statement of the consumption of tobacco per head in the four decennial periods, 1821, 1831, 1841, and 1851: Tobacco, 1821, 11oz.; 1831, 12oz.; 1841, 13oz.; 1851, 16oz. Thus their Lordships would see that, in the first three periods, there was a regular increase of about an ounce per head; and in the last period there was an enormous jump to an increase of three ounces; the duty of 3*s*. remaining the same throughout the time. With reference to the tenant-farmer, he maintained that, since the period of free trade, there had been exhibited more skill, enterprise, and industry by him, and there had also been a greater expenditure of capital in farming. The following statement of the consumption of bones and guano in tons would show how much had been expended on those two articles alone: Bones and guano, 1848, 103,995 tons; 1849, 112,862 tons; 1850, 144,123 tons; 1851, 274,970 tons; an increase over the first year of 137 per cent. Valued at 10*l*. per ton, 2,749,700*l*. He admitted that there certainly had been a considerable degree of depression among the tenant-farmers, but that was in consequence of the transition from high to low prices; but there was every reason to believe that that depression would be only temporary. He would read some extracts from letters, showing what was now the condition of the country. The first was written by Mr. Scott, of Bungay, who was a Conservative and Protectionist, if he thought he could get protection; but he stated that such a measure could not be carried without something like a rebellion in the manufacturing districts. He wrote:—

"The farmers in our neighbourhood have made extraordinary exertions in draining, clearing, ditching, claying, &c. And this has given much employment to the labourer."

The Rev. Mr. G. Sandby, vicar of Flixton, and chairman of the Waynford Union, wrote as follows, in reference to the part of Suffolk where he resided:—

"It is a district of very heavy land, and the crops of last harvest, unlike those in most parts of the kingdom, were very far below the average, and indeed, were lamentably deficient, from the effects of a local blight; and, as a consequence, the tenant-farmers, who in my neighbourhood are by no means an opulent body, have suffered severe losses from a circumstance quite irrespective of the price of gain. It might, therefore, not have been unreasonable to expect that the pressure on the working classes would have been more than commonly severe; and certainly I looked forward to the winter with anxiety. What are the facts? I have been actively engaged in the administration of the Poor Law from the first formation of our union, and at this season of the year, I have never known our labourers better, if even as well employed; I have never known our duties, as guardians, lighter; and I have never known our workhouse so comparatively free of ablebodied men. Week after week during this winter, when I have compared the condition of the union-house with its condition in the corresponding week of the six or seven years previously, our improved state was most noticeable. Of course, the agricultural labourer is very far from being in that condition in which we should all wish to see him; still, wages have not fallen with us in proportion to the price of corn; and it is my belief that the poor man and his wife and children have had more food in their mouths during the last two or three years than they had had for a similar period during my remembrance."

The next extract he should read was from the letter of a gentleman who had the management of his (the Earl of Albemarle's) estate in Norfolk, but who was a Protectionist in opinion. He wrote—

"In my observation, which covers no little space of time and extent of country, I never witnessed more activity nor so much disposition to improve. I may say that every man with sufficient capital to stand through the depression is doing everything in his power to improve his cultivation and increase his produce; fully as much labour is employed, and more artificial manure and more artificial food are used than at any former period in my recollection or observation."

The gentleman, whose letter he was next about to quote, was the first agriculturist in England, namely, Mr. Blyth, of Sussex-farm, Norfolk; a gentleman of large property, who was farming his own extensive farm. He wrote—

"My Lord—You are aware that our people depend entirely on agricultural employment, either directly with farmers, or indirectly with tradesmen connected with farming. The condition of the farm labourer has been regularly improving during the last six years. There are fewer hands out of employment at any time; there are fewer applications for relief at the workhouse; there is frequently an inquiry for labourers by farmers." . . . . . . "With respect to farming, there is an immense exertion made to increase the produce of land, by the purchase of manures, keeping more sheep, growing more cattle, and by a more cleanly system of tillage. All this increases the demand for labourers in the first instance, and then the increased produce requires more hands to turn it round for market."

He would read one more extract, and then conclude. Another gentleman stated—

"Now, as to the industry, skill, and capital among tenant-farmers, I have no hesitation in saying agriculture has materially improved since I became connected with West Norfolk ten years ago. Whether the capital be borrowed or real, I cannot say, but I am certain more is employed by seven men out of ten. The man who was satisfied to grow six or seven coombs of wheat per acre, now employs more labour, buys more artificial manure, and increases his produce to eight or nine coombs per acre, and for the simple reason that he is obliged to make up by quantity for what he has lost in price. Wherever you go it is easy to perceive that the agricultural mind is more active and inquiring than heretofore; fresh plans are eagerly listened to and carefully tried, and every one feels that he must not leave a stone unturned to lessen the cost of production, and at the same time to increase the produce."

These were a few extracts from the letters of some of the most intelligent farmers in

England, describing the present condition of the country. He had ventured to bring them under their Lordships' notice, and, having done so, he implored the noble Earl at the head of the Government to declare, what the world was beginning to think, that his convictions had undergone a great change.

LORD BERNERS said a few words in explanation, which were not heard.

EARL GRANVILLE said, he desired to make a few observations, which, however, he would gladly postpone if any noble Lord were disposed to address the House on the part of the Government. After the statement of the noble Duke (the Duke of Newcastle) who entered into a vindication of the results of the commercial system introduced during the two late Administrations, it was surprising that no one connected with the Government should have risen to say one word in reply, either to refute the noble Duke, or to admit gracefully that the Members of the present Government had been in error during the whole time they opposed that commercial system to which he (Earl Granville) had just referred. However, as matters now stood, it would go forth to the country that the Government were unwilling to admit the facts stated by the noble Duke, though they were at the same time unable either to deny those facts, or in the least way to diminish the force of the argument which accompanied them. He thought this to be part of that course of conduct of which not only that House, but the country, had cause to complain. The noble Earl at the head of the Government, in the short speech in which he introduced the present important measure, referred to the course which, on his assumption of the reins of government, he had proposed to take. The noble Earl stated that during the present Session of Parliament he would only introduce measures of absolute necessity, and that then he would appeal to the country to decide on the principles of finance and commerce upon which the Government should proceed. At the same time it appeared to him (Earl Granville) that they had clearly a right to ask the noble Earl to define precisely the course he intended to propose to Parliament after the elections. They had a right to expect that he would state the general principles and tendency of the measures on which the country was to decide; but so far from the country being favoured with any insight into the general principles of the policy which the Government intended to pursue, it so happened that, sometimes through appeals made by the ordinary supporters of the Government to their constituents, sometimes by declarations made by those connected by high official position with the Government, and, at other times, by speeches delivered in Parliament having different tendencies, the one from the other, their Lordships, and the constituencies of the country, were left much more in the dark at the present moment as to what policy would probably be adopted by the Government, than they were on the day on which the noble Lords opposite assumed the Government. Every point connected with the future commercial system of the country was involved in perfect obscurity as far as the Government were concerned. Was it or was it not intended by the Government to relieve the landed interest by a direct duty on the import of corn, or by some indirect mode to charge the rest of the community for the relief of the landed interest?—or was it the intention of the Government to continue the present commercial system, and the alterations introduced by Sir Robert Peel? The noble Earl at the head of the Government had made a speech that very year, in the course of which he stated that the present system was mischievous, and that he was still of opinion that a recurrence to a duty on corn for the purposes of revenue and protection was necessary. If he mistook not, that was what the noble Earl said.

The EARL of DERBY: I beg the noble Earl's pardon. The noble Earl is wrong in quoting me as saying that a duty on corn, in my opinion, is a matter of necessity. What I stated was, and distinctly as my own opinion, that for the purpose at once of relieving the suffering agricultural classes, and also for improving the revenue, whereby we should be enabled to take off other taxes, without injury to the consumer, an import duty on corn would be desirable. I also stated that whether relief was to be afforded to the suffering agricultural classes by the imposition of a duty on foreign corn, was a matter which was to rest on the opinion of the constituencies. In no case did I say that it was a matter of necessity; but that, in my opinion, it was a desirable mode of offering relief to the agricultural classes. I hold that opinion still; but I state again that it is a question to be left to the constituencies of the country; and, moreover, I may add, if it will give any satisfaction to the noble Earl or to others, my opinion is, from what I have since heard and learned, that there certainly will not be in favour of the reimposition of a duty on foreign corn that extensive majority in the country, without which, I stated to your Lordships' House, it would not be desirable to impose such a duty.

EARL GRANVILLE was glad that a mistake into which he had unintentionally fallen had drawn from the noble Earl so decided a statement, which give the greatest satisfaction to the country at large; namely, that there was no likehood of the reimposition of a duty on foreign corn, and that the great question that the price of the people's food was not to be enhanced by artificial scarcity was at last and for ever to be given up. After what had fallen from the noble Earl, there was hardly any topic on which he (Earl Granville) need address the House. With regard to the Navigation Laws, the noble Earl had already declared that it certainly was not the intention of the Government to re-enact the whole system. He could, if necessary, give several instances of the beneficial effects which have followed the repeal of the navigation laws, and of the enormous increase in the number of vessels now engaged in trade. In consequence of the repeal of the old navigation laws, a considerable number of our vessels had been engaged in trade with the United States, which, unless for the repeal of those laws, could not have had access to that country. More than 500 vessels, which previously could not have been admitted, had entered into the United States; and a few vessels less than 400 had cleared out. But, after the clear statements already made by noble Lords near him, and after the declaration just made by the noble Earl at the head of the Government—suddenly and unexpectedly—he thought he should be wasting their Lordships' time if he detained them a minute longer.

The MARQUESS of CLANRICARDE wished to call their Lordships' attention to a point which had not been adverted to during the debate. The Bill under discussion was the most important that had been laid before the House this Session, yet the Peers were not summoned in accordance with the usual practice; he was sure it was in consequence of some mistake.

The EARL of DERBY was understood to say that his impression was that the second reading of the Bill would be taken that night *pro formâ*, and the discussion reserved for the Committee. He certainly came down to the House without any idea of a lengthened debate taking place. If he had thought the debate was to take place that evening, the Peers would have been summoned. But, under the impression which he had, that course was not taken, nor had he asked for the attendance of the supporters of the Government.

The DUKE of NEWCASTLE wished to say a word in explanation. As the noble Earl stated that he had been taken by surprise, it followed, of course, that he (the Duke of Newcastle) was the individual who took him by surprise. Now he must say that the noble Earl had not correctly represented the state of the case. The noble Earl gave notice of the second reading of the Bill, but he gave no public notice that he intended to ask their Lordships to read it a second time *pro formâ*. If the noble Earl on Friday last had intimated any such desire, he was sure their Lordships would at once have yielded to his request. The noble Earl was well aware that he (the Duke of Newcastle) had offered no objection to the course he wished to take. Although when he came down to the House, he had not the remotest idea that the noble Earl intended to read the Bill *pro formâ*, yet on receiving an intimation to that effect after he came into the House, he told the noble Earl that so far as he was individually concerned he might take whatever course he pleased, and that he would consent to any arrangement the noble Earl might prefer. But he also told the noble Earl that other Peers had been equally taken by surprise, and that they perhaps might object to read a Bill of such importance *pro formâ*, although they might not object to postponing the second reading till to-morrow. If the noble Earl had been taken by surprise, it was in consequence of the proceedings of his officials in the other House. The noble Earl had been told by a noble Lord that the course he proposed to take was an impossibility—that he could not take the second reading *pro formâ* this evening, and postpone the Committee till Friday, because it was necessary for the public service that the Bill should be passed before Friday next. He could state most positively that that information was given to the noble Earl, and that in consequence of that information the noble Earl proceeded to the bar of the House to make inquiries whether such was the case, and then came back and stated that he neither could postpone the second reading, nor take it *pro formâ*, but must proceed with it in the usual way, as the public service required it. As to the noble Earl being taken by surprise, he (the Duke of Newcastle) came down in consequence of the notice that the Bill was to be read a second time—a notice given by the noble Earl himself—quite prepared to offer the opinions and arguments which he had lately ventured to deliver; but, as he had before stated, he had been equally ready to suit the convenience of the Government by postponing his remarks till a future day.

The Earl of DERBY laid no blame on the course pursued by the noble Duke, who had very accurately stated that although it was inconvenient to him to postpone the debate till Thursday, he was willing to do so. With regard to what had been stated by another noble Lord, he had rather overstated the fact. It was not a matter of necessity that the Bill should pass before the holidays, although it would be convenient for the public service if it did pass before that time.

The Marquess of CLANRICARDE said, the noble Earl (the Earl of Derby) seemed to forget that this Bill had been accepted by the country on the ground that it was only a measure of a temporary nature. He (the Marquess of Clanricarde) would go into no remarks on the question; but he must say that he thought it would be most desirable if the noble Earl would only state now—after giving the House distinctly to understand that he had no idea of imposing a duty on corn—if the noble Earl would only go one step further, and say, that he would lay no burden upon the people for the benefit of any class whatever. The noble Earl must come to that declaration next year; and he had lately received a gentle reminder from Windsor, and another from Newark, that the country were determined there should be no burdens of that sort imposed. Then why should the noble Earl not give up the paltry consideration which could be derived from such a source, and at once say that protection to agriculture—as it had been called—but what it might be he (the Marquess of Clanricarde) could not pretend to say—but if the noble Earl would only say at once that he had no idea of imposing any such burdens on any class of the people, how much more advantageous would such a declaration be for the welfare of the country.

Earl GREY said, he had heard with very great surprise the observations of the noble Earl upon the order of their proceedings. He would remind their Lordships of what had taken place on former occasions. The income tax had been for many years the very keystone of our financial and commercial policy. No Minister of the Crown, in moving the second reading of that measure, had ever failed to explain the views and intentions of the Government in proposing it. Last year, when his noble Friend (the Marquess of Lansdowne) moved the second reading of a Bill precisely similar to this, he thought it respectful to their Lordships to state somewhat fully his views upon the subject; and the noble Earl opposite then entered into a discussion on every one of the topics which had now been adverted to. Seeing that the noble Earl had now taken this Bill into his own management, he (Earl Grey) conceived, as a matter of course, that the Bill would be discussed as similar Bills had been discussed in former years, and he had consequently, at great inconvenience, come down to the House for the discussion. Had the noble Earl, at the last meeting of the House, stated that he wished the Bill to be read a second time *pro formâ*, he was sure no Peer would have objected; but after coming down to the House, with their arrangements made for the discussion, to be told that the noble Earl had settled with another noble Lord that it would be better to take the discussion at a future stage, he must say was not treating the House with proper respect; and the House, in these circumstances, might fairly object to taking the second reading merely *pro formâ*. He was glad, therefore, that the proposal to pass the Bill through its present stage in that manner, had not been persevered in, and that the discussion had been allowed to go on; though what had passed he could hardly call a discussion, since a discussion implied that something should be said on both sides, and the argument hitherto had been all on one side. This was not a debate. Noble Lords opposite might say, in the words of the slave in the play, *Ubi tu pulsas ego vapulo tantum;* and he really pitied them for the humiliating position in which they were placed, compelled as they were to listen to the able statements of the noble Duke (the Duke of Newcastle), and the important statistical facts brought forward by his noble Friend (the Earl of Albemarle), without venturing to say one word, and not daring either boldly and avowedly to confess they had heretofore been in error, or to stand up and maintain the opinions which they had so long professed; they shrank from taking either the one line or the other. But it appeared to him that, although noble Lords opposite were afraid to maintain their former opinions, and endeavouring by their strange silence to stifle the debate, their Lordships ought not to allow the discussion to be put by, and slurred over in a manner so discreditable to the House, but were bound to discuss the matter fully; and it was therefore with extreme satisfaction that he had heard the speech of the noble Duke and his noble Friends near him. No Member of the Government had ventured to contradict the facts stated by his noble Friend; the great reduction effected in taxation without any corresponding diminution in the revenue; the prosperity of trade; the spirit of enterprise and activity which at this moment distinguished every branch of industry, not excluding even agriculture; the fact that pauperism had diminished, and, according to the admission of the Chancellor of the Exchequer, that the prosperity of this country was never greater. Not one of these statements had been met by noble Lords who were formerly so eloquent in describing the distress of the country, and in calling upon the then Government to say how long they meant to persevere in that experiment of free trade which the noble Lords considered had failed so lamentably. He felt it the more necessary not to let the discussion drop, because, though his noble Friend (Earl Granville) had that evening at length extorted from the noble Earl opposite the information that no duty was to be imposed on corn, and it was known that the Navigation Laws were not to be meddled with; there was another subject, on which it appeared that the Government intended to alter the policy which had been pursued for some time, and that was with respect to sugar. It was reported to have been stated in the other House that some alteration in the existing arrangements on the subject would be proposed hereafter. Now, that being the case, considering the great interest which, from the office he had held, he had taken in that question, he hoped their Lordships would permit him to state a few very striking details connected with the produce and consumption of sugar. In the year immediately preceding that in which foreign sugar was first practically admitted for consumption to any extent, that is, up to April, 1846, the consumption of sugar in the United Kingdom was 5,714,000 cwts. In the year ending April, 1852, it had increased to 7,583,000 cwts. But, looking back a little further, he found that, taking the last complete year before any foreign sugar was brought to the markets of this country, namely, July, 1844, the whole quantity of sugar admitted was 4,145,000 cwts.; and in the half-year ending January last the consumption was 4,033,000 cwts.; so that during that half-year the quantity consumed was within 100,000 cwts. of the consumption in twelve months prior to the admission of foreign sugar. That was a very striking fact, and very easily accounted for. Prior to the introduction of foreign sugar, when there was a monopoly in this market of British sugar, he found, by a return laid on the table of the House of Commons, that the price of Havana sugar in bond was 21*s*. 3*d*., whilst that of British West India sugar was 34*s*. 9*d*., making a difference of 13*s*. 6*d*. Now as Havana sugar was notoriously better in quality than the average of British sugar, it followed that the difference in price arose entirely from the differential duty which then existed, and was an enhancement to the British consumer of the cost of sugar beyond the amount of duty. The British sugar and molasses—reckoning 3 lbs. of molasses as equivalent to 1 lb. of sugar—consumed in that year were 4,145,000 cwt.; and, therefore, in addition to the large revenue of 5,254,000*l*. which was received into the Exchequer from sugar, the British consumer was subjected to a further tax to the extent of no less than 2,790,000*l*., which was in no degree less felt as a burthen because it brought nothing into the Treasury. But since the passing of the Acts of 1846 and 1848 the price of British sugar was brought down much nearer to that of foreign sugar; and in two years more, if the law remained unaltered, the duties would be the same, and of course, therefore, there can then be no difference in the price of sugar except that which depends upon its equality. Already it appeared, from the return he had already quoted, that the difference of the price in bond of foreign and British sugar, which, as he had stated, had been 13*s*. 6*d*., had fallen to 1*s*. 8*d*.; and as the duty on British sugar had in the same time been reduced from 14*s*. to 10*s*.; it followed that while the tax on sugar which was paid into the Treasury had been reduced only by 4*s*., that which was really levied, without benefit to the revenue, by the enhanced price of British sugar, had been reduced no less than 11*s*. 10*d*.; and the result had been, that whilst the consumer had gained enormously, the consumption had so increased, that the revenue, instead of suffering, had actually gained. The revenue received in the year, up to July, 1846, was little better than 3,500,000*l.*; whereas the revenue received up to July last, was 4,130,000*l.* Therefore the effect of the measure had been, while giving an immense relief to the consumer, and extending trade in all directions, to give also an accession to the revenue, rendering it possible to effect other reductions of taxation. The Chancellor of the Exchequer might well say, in reference to the article of sugar, that it was a marvellous example of the effect of reducing duties. The benefit of the alteration, so far as this country was concerned, really could not be contested after the statement of such facts. But when the alteration in the policy of this country took place, and when foreign sugar was first admitted, it was said the effect of the change would be to destroy the cultivation of sugar in the British colonies, and give a new impulse to the slave trade. We were told that it would be vain to increase the vigilance of our squadron, or to take any other measures to suppress the slave trade; that if we gave such an enormous *bonus*, the slave trade would continue to flourish, and that it was worse than hypocrisy to lower the duty on slave-grown sugar, and maintain the squadron on the coast of Africa. From that opinion he had utterly dissented, strongly urging upon their Lordships his belief that the ultimate effect of the measure would be to promote the abolition of slavery, and increase cultivation in the British possessions. Now, with regard to the slave trade, he was happy to say that his prediction had been verified; for their Lordships were aware that Lord Palmerston, before leaving office, had congratulated himself and the country on the almost practical extinction of the slave trade. He had no doubt the present Government would follow up the same determined measures for putting an end to the slave trade; and, if so, he was happy to think that this infamous traffic, which already was very nearly extinguished, would soon be so completely. It was certain that this seemed to be expected, for the planters of Cuba were beginning to substitute free labour for slave labour, and a contract had been entered into to bring no less than 8,000 free labourers from China. Now, the labour market of China was no less open to the British planter than to the Cuban planter, and before he left office he had the satisfaction of having reason to hope, that by means which had been taken, an emigration of that description to the British Colonies, would be set on foot. It was clear, then, that the admission of foreign sugar had not been sufficient, at all events, to counteract our efforts for the suppression of the slave trade, since that trade had never been brought so low. It was also confidently predicted by the opponents of the free-trade policy, that the effect of the change would, at any rate, be to put an end to the cultivation of sugar in the British colonies. Now, how far had that prediction been realised? The cultivation of sugar was a branch of industry in which any falling-off very quickly manifested itself. It was now little less than six years since the principle of an immediate diminution of protection and an equalisation of duty between British and foreign sugar was established; and nearly four since the law, which was still in force, had been passed—consequently there had been ample time for the change in our commercial policy to produce its full, or almost its full, effect on the cultivation of our Colonies. He had therefore been exceedingly anxious to ascertain, from facts, what the effect of the change of policy had really been; and, as a single year was sometimes deceptive, owing to a variety of causes, he had taken the averages of three years. He would take the liberty of quoting to their Lordships a return, which would show the average production of sugar in the three great divisions of the British possessions—the West Indies, the East Indies, and the Mauritius, in the three years 1839, 1840, and 1841, being the first three years after complete emancipation; the three years 1842, 1843, and 1844, being the last three years before any foreign competition was allowed at all; the three years 1845, 1846, 1847, being the three years during which the new policy had taken comparatively little effect, and the last three years. It was a curious circumstance that every one of these triennial periods showed a steady increase of production, not only in the East Indies and Mauritius, which might have been expected, but also in the West Indies. In the West Indies the production of sugar in the first three years after emancipation was 2,388,000 cwts.; in the last three years of complete monopoly, namely, from 1842 to 1844, inclusive, it was 2,487,000 cwts.; in the three years ending 1847 it was 2,733,000 cwts.; and in the last three years ending 1851, when the free-trade policy had taken full effect, the importation of sugar from the British West

India colonies had increased to 2,833,000 cwts., being the largest importation in any triennial period since the emancipation of the slaves. This showed conclusively that production was not falling off. Further than this—he had compared, island by island and colony by colony, the production for 1850 and 1851; and it was a very singular circumstance that there was no British possession, from Jamaica to the East Indies, which did not show an increase in 1851 as compared with 1850. He thought this fact would satisfy their Lordships that this free-trade policy had not led to the throwing out of cultivation the British colonies as to the production of sugar—on the contrary, their production was increasing. The reduction of the price of British sugar had been met by increased economy in production, and the planters were now really better off than they were in 1846. The reduction in price had been met also by a diminution of wages: it would perhaps be more accurate to say, that the slaves had consented to perform more labour for the same money. The effect of protective duties was not to relieve the planter, not to prevent distress to the West Indies: the effect of the monopoly was, to enable the emancipated slave to satisfy himself with working two days in the week for five or six hours a day in the most productive colonies, and to make the British labourer pay sixty or seventy per cent more than was necessary for the article which is now a necessary of life, in order that the emancipated slave might be able to earn such extravagant wages for working such a short time. In a despatch from Governor Higginson, dated Mauritius, 14th of October, 1851, which was laid on their Lordships' table on the 23rd February last, he found the following passages:—

"I found abroad a spirit of self-reliance, a conviction of the adequacy of our growing resources, and a resolution to combat with vigour the difficulties still unsubdued, that to my view present unmistakeable earnests of ultimate success. I saw in some quarters luxuriant canes covering lands redeemed within a few years from the forest or the rock, now amply remunerating the labour and capital bestowed upon them. I saw in others substantial edifices rising up, new and powerful steam engines at work, and improved processes of manufacture rewarding the enterprise of their introducers, and everywhere symptoms of activity, energy, and industry. I saw the Indian immigrant in the field working steadily and with good will, and when at rest cheerful and contented in his camp. As it is by him and through him that the Mauritian planter must rise or fall, to the character of the relations subsisting between them, the utmost importance ought, I conceive, to be attached. So far as I could judge, and I took pains to ascertain correctly, these relations are highly satisfactory. Complaints on either side grow more rare as the language, the character, and the habits of the Indian become better understood: and from what I heard and witnessed, I believe that he and his employer are mutually pleased and satisfied." . . . . . . "I may perhaps be over-sanguine, but I witnessed so many significant symptoms of progress and improvement throughout the island, that I cannot resist the conviction that the foundation is now being laid of wealth and prosperity more stable and enduring than ever could have been obtained under the former speculative and artificial system of labour and of prices, which for a time largely enhanced profits, and ultimately left the colony on the verge of bankruptcy and ruin." . . . . Whilst I am enabled to report thus favourably of our material prospects, I believe I am warranted in stating that progress has also been made in ameliorating the moral and social condition of the people."

The witnesses examined before the Committee of the House of Commons in 1848, stated positively, that the Mauritius must go out of cultivation, unless a large protection were restored. Had these predictions been fulfilled? In the three years ending 1844, when British sugar possessed a complete monopoly, the average importation from the Mauritius was 568,000 cwts., whilst the average importation for the last three years was 967,000 cwts. That statement he considered quite conclusive as to the progress of the Mauritius under the new system. The same thing held in a great degree with respect to British Guiana, and he begged to read a few lines from a despatch received from the Governor, and dated the 12th of November last, in which it was stated that the situation of the planters was better than it had been for many years; and if they acted prudently there was no reason to apprehend any reverse. He was bound to state, in fairness, that since the despatch was written, there had been some fall in the price of sugar that did produce a great feeling of alarm in that colony; but, looking to the discussions in the papers and at public meetings, it appeared that the great object of alarm was no longer slave sugar, but beet sugar. It was stated that the cultivation of the beetroot sugar on the Continent had created alarm amongst the colonists; but for his part he believed that alarm was unfounded; for even with the assistance of a heavy protective duty, it was impossible that beetroot could long sustain a competition with the sugar cane. However, whether beetroot sugar was the object of alarm or not, it was quite as much to be feared by the slave planter as by the British planter—it was as much to be feared by Cuba and Brazil as by British Guiana. He admitted that great distress prevailed at present in Jamaica; in that colony the pressure at present, he admitted, was very severe: that he candidly acknowledged; but he could not help adding that Jamaica, possessing as it does great natural advantages—second to none of their colonies, but, on the contrary, probably superior to any of them—taking the amount of population, their comparative civilisation, the nature of the soil and climate—Jamaica ought not to be under a disadvantage, as compared with the other colonies. It was now, indeed, suffering from the effects of a very fatal visitation of cholera, but infinitely more from the circumstance that in that colony the planters had listened too much to those who called themselves friends of the colonists, but who were in fact their worst enemies. Listening to such bad advice, the Jamaica planters had fixed all their hopes on the success of their visionary attempts to recover protection; they had refused to adopt any of the remedial measures to which their attention had been called; and the Legislature of that colony had unfortunately obstinately fixed its eyes upon the restoration of protection, and nothing else. By listening to those who called themselves the friends of the West Indians, but of whom, if they were to judge of the results, they were the worst enemies, they refused to adopt any of those measures which were completely within their own power for improving the state of things in that magnificent colony. While the other West India colonies were recovering from the extreme depression under which they were lately suffering, while the Mauritius was advancing with gigantic strides, and increasing its production to the extent he had described, in Jamaica alone the prospect of the planter showed little improvement; but even there production was showing some slight increase. Passing from the subject of sugar, there was another point relating to the general policy of free trade, to which he begged to call the attention of their Lordships. He wished to remind them that the very remarkable improvement which was admitted to have taken place in the state of the country, must plainly be the result of liberating industry from the restrictions to which it had been formerly subjected by a vicious policy, since it had been brought about in spite of circumstances in every other respect most unfavourable. The great commercial and financial revolution—for he could call it nothing else—begun in 1846, and almost entirely completed by the repeal of the navigation laws in 1849—that great commercial revolution had taken place under circumstances of the greatest possible disadvantage. It was impossible to conceive circumstances that could have made it more difficult for that great change to succeed. The Bill for the repeal of the corn duties had scarcely passed before the potato disease, which had been partially felt in the preceding autumn, came upon the country again with tenfold violence. The whole food, he might say, of the great body of the population of Ireland was destroyed, and concurrently with that there was a general deficiency of corn not only in this country, but throughout the greater part of Europe. The consequence was, that in Ireland, in the latter part of 1846 and during 1847, there was an absolute famine; and in this country the distress arising from the high price of food approached very nearly to it. They could not forget that in 1847 every man felt the most serious anxiety and apprehension, lest the country should be absolutely without supplies before the harvest. Corn for one or two weeks sold in Mark Lane at a price of at least 100*s.* a quarter. The country was obliged to borrow no less than 8,000,000*l.* for the relief of intense distress in Ireland; and in this country, though they had been enabled to obtain the corn they wanted by the energy of their merchants, they had to pay for it a price that was a most fearful drain upon our resources. That was not all. Concurrently with the distress arising from those circumstances, there came the fearful reaction of the railway mania, and of the overtrading of 1845 and 1846; and the latter part of 1847 was, from the concurrent effect of all these causes, probably a period of as deep and aggravated distress as the country had almost ever gone through. To those who had the responsibility of Government at the time, it was a period of the most intense anxiety and distress. Even this, however, was not all. On the Continent, early in the following spring, broke out the revolution of February, 1848, and convulsions followed throughout Europe that paralysed trade from one extremity of the Continent to the other. Was it possible to conceive a greater combination of circumstances calculated to try the resources of the country? We were obliged to borrow 10,000,000*l.* to meet the immediate pressure, and the distress was as intense as it was possible to conceive. But under the free-trade policy, and he might say by virtue of it, and in consequence of it, they saw how triumphantly the country had passed through that tremendous ordeal. In the first place, he would point out that in 1847, distressed as the people were, and suffering as they were, yet, knowing that their suffering arose not from the artificial legislation of Parliament—that it was not aggravated by any law restricting the introduction of corn—that every facility that could be afforded was given for their relief—knowing it was a visitation of a higher Power, and not the work of Parliament, they submitted to the infliction with a patience and resignation which were infinitely to their credit. And he would say that their patience and resignation met with a speedy reward. Industry and enterprise, not checked by disturbance and confusion, as they were in other parts of the world, speedily revived, being also given a free career by the abolition of vicious and impolitic laws; new branches of trade were struck out, merchants and manufacturers exerted themselves in a manner that created astonishment in everybody, and all traces of those fearful calamities were repaired in a time inconceivably short. He would remind them of what had been the result in a financial point of view. The noble Earl (the Earl of Derby) had told them that those commercial questions were irrelevant in discussing the question of a property tax; but he should point out to him that their commercial and financial policy were one and the same—that there were not two subjects, but one subject indissolubly connected, from the circumstance that the manner in which their revenue was raised necessarily determined the nature of their commercial policy. Look how the emancipation of their industry had told on the financial interests of the country. He had pointed out to them that during the period of distress they had borrowed 10,000,000*l.*, 8,000,000*l.* being for Ireland; five years only had since elapsed, and the amount that had been repaid, or for the repayment of which provision had been made, exceeded by nearly a million the amount they had been compelled to borrow in 1847 and 1848. The amount of the debt then incurred was 10,000,000*l.*; the amount repaid, or for the repayment of which provision was made, amounted to 10,974,000*l.*, leaving a balance of 974,000*l.* in their favour when the operation shall have been completed. He thought he had shown that the result of the free-trade policy must be gratifying to those who had to struggle in support of it against the noble Lords opposite. It was commenced by the great change in 1846, when the alteration in the corn laws was made by Sir Robert Peel, which was followed up by the measures which the late Government had thought it their duty to propose and carry. It was no less gratifying to those who many years before 1846 had gradually prepared the public mind for this great change by Parliamentary discussion; and he should ever be proud that he had borne a part, however humble, in these discussions, and in advancing the great cause of commercial liberty. He thought when the results were so clear—when the success of the measure had been established so completely beyond all question—it was very natural the country should feel much anxiety to know whether the party to which the noble Lords opposite belonged did or did not intend to tamper in any way with that policy. That anxiety appeared to him as very natural; in one respect it had been relieved that night by the most important declaration that had been made by the noble Earl—but still he thought it was far from being entirely satisfactory. He could not help saying that he quite concurred with his noble Friend the noble Earl near him (Earl Granville), that up to that moment they were no less in doubt than they were on the first day the Administration was formed, with respect to what were the real views of Her Majesty's Government on this great question. At the commencement of the present Session the noble Earl at the head of that Government entered into a statement of his views and policy. In doing so he told them, that for certain reasons he stated, he conceived the imposition of a duty upon corn, and of duties upon other imports, was in itself desirable; at the same time he stated he would not attempt such measure unless he had the very general concurrence of the people in its favour. Subsequently to this declaration, in the speech of the Chancellor of the Exchequer at his re-election, he informed the electors of Buckinghamshire, and through them the whole nation, that was anxiously watching his words, that full and complete redress to the agricultural interest for the injustice under which it was suffering was an absolute necessity; and he said he thought a countervailing duty upon corn was less costly to the rest of the community than any other mode of giving this redress; but, either by that mode or some other mode, it was the duty of the Government, and the Government were determined, to afford relief. Not very long after, the right hon. Gentleman made a most able speech in the other House of Parliament in introducing as Chancellor of the Exchequer the very measure now under discussion; for the Bill was founded upon one of the Resolutions then introduced by him, which showed that those commercial and financial questions were not irrelevant to the income tax. The right hon. Gentleman made a most admirable statement about the advantages which had followed upon the introduction of free trade. That statement gave great satisfaction to the country; but unfortunately it was not long afterwards when the noble Earl at the head of the Government made what he called a sort of supplementary speech. He told a distinguished company on a festive occasion that his Colleague the Chancellor of the Exchequer had made a most excellent speech in the House of Commons; but in that speech there was one topic to which he had not adverted, and which could not well be introduced in a financial statement, and that was the advantage of a compromise, and the necessity of some compromise, in favour of the landed interest, in consequence of all the advantages that had been given to the consumers as against the producers. That was a somewhat unusual proceeding; he did not remember to have heard anything of the same kind before; he had never known a case where a Prime Minister had informed the assembled citizens in this manner that the statement of the Chancellor of the Exchequer was only an imperfect statement of the views of the Government, and that there was another important part of those views which ought not to be lost sight of. But, unfortunately, that was not all; because after the supplementary speech the right hon. Gentleman himself, a few nights later, in the other House of Parliament, got up and said that he had been very much misunderstood—that he had expressed no opinion in his Budget speech—that he had only stated certain facts, and that he retained and was ready to act upon all the opinions he had expressed in Opposition. That was a somewhat startling declaration; but he (Earl Grey) supposed it was required to silence certain rumours in the camp; but it qualified the satisfaction which the country had received from his previous speech. Nor was that all; as had been adverted to by a noble Friend behind him, there had appeared addresses from various adherents of the Government, and even from Gentlemen holding office, making in most distinct terms very contradictory declarations of their views. One Gentleman holding a high office stated that he had accepted it in the full confidence that it was the intention of the noble Earl to reverse the policy of Sir Robert Peel; and as that hon. Gentleman remained in an office which he only accepted on this understanding, he (Earl Grey) must suppose that he (Mr. Christopher) must continue to feel satisfied that the noble Earl's real object was to reverse the policy of Sir Robert Peel. Under those circumstances it was difficult to form a conjecture of what the policy of the Government would be, even assisted by the statement which had been made that night, which the application of the screw by his noble Friend behind him had so reluctantly extorted. They had learned indeed—partly he believed because the electors for Windsor and Newark had spoken out too plainly to admit of concealment on this point—that they were to have no duty on corn; and the Lincolnshire farmers might at once discard all hope of that, and make up their minds to do the best they could without it; but then there was to be something else, and as to what that something was to be, they were very much in the dark. They were to have something respecting which the supporters of the scheme had kept them up to that moment in a state of mystery. The description of this concealed child was kept back carefully by its parents that it might one day astonish the world by its beauty and merits; but the account they gave of it was not very reassuring to the consumers of the country. The Chancellor of the Exchequer had said that it was something in comparison with which the duty upon corn would be less costly to the country, less inconvenient, and more simple. If so, he could not but say that if they were to have such measure, they had better have that which was least burthensome; and much as he was opposed a duty upon corn, he should prefer it to this unknown measure, which its authors described as still more onerous to the country. He (Earl Grey) agreed in opinion with the noble Earl near him, and the noble Duke who spoke on a former occasion, in thinking that it was time, for the credit of Her

Majesty's Government, that there should be an end of this ambiguity, and of this studied concealment of their views. Let them say they were convinced they had been in the wrong, or that they were convinced they were right. If they thought they had hitherto been right on the subject of protection, let them say so, and let us discuss the question in a fair and in a straightforward manner. If they felt they had been wrong, let them frankly acknowledge it, and relieve the country from the uncertainty that now exists. That the Government, which they were told would endeavour to compose ill-will and ill-blood between different classes of the community—who were to reconcile town and country and to heal all heartburnings—should now keep their real views and intentions in the back ground for some pitiful electioneering purpose, and refuse to state their real views and intentions, was utterly incomprehensible. It was time they should have an end of this ambiguity—though it was perfectly true that the noble Earl, whichever side he took, whether he adhered to his former opinions, or abandoned them, would incur no doubt considerable reproach. Still he would find that as the course of a straightforward declaration of his intentions would be the most manly and honourable, and the best for the interests of the country, so it also would be the best for the strength and stability of his Administration. No Administration could gain in strength by carefully shrouding in mystery its policy on a point of such vital importance. It was not a question on which they had to make up their minds; it was not a question that was now discussed for the first time; on the contrary, it had been the great subject of political discussion for the last dozen of years; it was a question on which every man who assumed to take a part in public affairs was bound to have made up his mind one way or the other long since; it was a question from explanation on which the Government had no right to shrink. On the one hand the noble Earl might incur reproach for having grossly deceived himself and others, and for having in the reckless pursuit of personal and party objects sacrificed what he knew to be the interest of the country; or, on the other hand, for having shown a blindness and want of judgment as to what are the true interests of the country, which gave him but little claim to have confidence placed in his judgment now that the helm was placed in his hands. The noble Earl must choose between the two alternatives—of having evinced either a want of judgment or a want of candour; and it was the proper penalty for the unfortunate course, for himself and for the public, which he had taken for the last six years. But let him be assured that this was a penalty he could not escape, and the longer he attempted to disguise his real views and avoid an explicit declaration of the intentions of the Government in the hope of doing so, the more general and the more severe would be the condemnation to which he would ultimately be exposed.

The EARL of DERBY: My Lords, I cannot but thank the noble Earl for the kindness with which he offers the tempting alternatives from which to choose; but I beg to say, on the part of myself, and of my noble Friends, and of my Colleagues in the other House of Parliament, that I do not think we shall be driven to expose ourselves to either the one or the other of them. With great respect to the noble Earl, I must take the liberty of repeating the opinion that a great part of this discussion, and almost the whole of the speech of the noble Earl, is altogether irrelevant to the subject before us, that subject being the alternative of renewing for one year what the Government consider an objectionable tax, or leaving the country with a deficiency this year of 2,500,000*l*., and in the next year with a deficiency probably of 5,000,000*l*. I say that on the discussion of such a Bill for such a purpose, it is not relevant to enter upon a discussion of the entire commercial policy of the country, more especially as the noble Lords opposite well know that, from the circumstances in which the Government are placed, and under which they took office, that a full and fair discussion of that subject is on their part impossible. The greater part of the noble Earl's speech refers to a point that is totally irrelevant to the continuance of the income tax—namely, the effect which he considers to have been produced by recent free-trade measures. While, on the one hand, the noble Earl has, with a candour for which I thank him, admitted that the great revolution in our commercial policy did not take place at an earlier date than the year 1846, and did not refer at all to the earlier portion of Sir Robert Peel's Administration, or from 1842 to 1846, he has at the same time asked a question that has been repeatedly answered, whether it is the intention of Her Majesty's Government to pursue or abandon the commercial policy of Sir Robert Peel; and he illustrated that policy and its effects by a very elaborate argument on the subject of the sugar duties. Now, the noble Earl must permit me to remind him and the country that the abolition of the differential duties in favour of British sugar against slave-grown sugar was no part of the policy of Sir Robert Peel; that formed no part of the proposition submitted by Sir Robert Peel to Parliament; and it is very well known that when the proposition for the repeal of those differential duties was made by the late Government, Sir Robert Peel with the greatest reluctance was induced to consent to that change—not because he thought the measure was wise, equitable, or just, but because he thought he had to choose between the adoption of what he thought an unjust and impolitic course of proceeding, and the expulsion of Her Majesty's Government for the office to which they had just succeeded. Sir Robert Peel took the course—the generous course—but the impolitic course of supporting his successors and opponents, though pursuing a policy to which he was himself opposed, and to which he objected. Therefore let not the noble Earl and the country claim the abolition of the differential duties on foreign and colonial sugar as part of the free-trade commercial policy of Sir Robert Peel. With regard to the effect of that measure, I am sorry to say that the noble Earl seems to be under some misapprehension, when he spoke of the almost total cessation of the slave trade, and attributed that almost total cessation to that free-trade system from which we anticipated an increase of it. The noble Earl is wrong in point of fact. It is true, undoubtedly, that by the vigorous and active operations of our cruisers, and by the adoption of coercion upon the coasts of Africa and upon the coast of Brazil, the slave trade has been very much put down; and it is because these operations have been aided of late years by the vigorous and sincere exertions of the Brazilian Government, that our efforts for the abolition of that trade have been to so great an extent successful. But the noble Earl is entirely in error when, speaking of Cuba, he speaks of the slave trade being either put down, or being at this moment in course of diminution. I regret to say the fact is that the slave trade of Cuba is at this moment on the increase; and the proof that the two subjects are closely united together—namely, the effects of free trade on the West Indian colonies, and the increase of the Cuba slave trade—is this, that at this moment, when Jamaica is in a state, admitted by the noble Earl to be one of deep depression and distress, the steam machinery of Jamaica is at this moment in large quantities being transferred to Cuba. It is withdrawn from the cultivation of sugar where there is free labour, for the purpose of being employed where there is slave labour. There is no doubt of the fact; the noble Earl himself has admitted it—that although in some of the colonies there has been an increase in the production of sugar, yet in Jamaica they are in a state of deep depression and distress not arising from a diminution of production, but from the unremunerating price of the produce, that low price in turn being aggravated, as he states himself, by the greater exertion that is made, in hopes by the increased amount of produce to compensate for the reduced amount of profits. I still entertain the opinion I entertained in 1846—that upon the long run it is not possible for free-grown sugar, except in some favoured situations to compete advantageously with the slave-grown sugar of Cuba and Brazil. And though at this moment there is an increased amount of sugar imported from the British colonies, yet if the noble Earl looks to the *Prices Current,* he will see that the increased amount is more than compensated for by the fall in the price, which leaves the planter in a condition in which former engagements and present liabilities leave him no alternative of abandoning cultivation altogether, but gives him little or no hope of carrying it on beneficially, while at the same time he is compelled to go on, and seeks for the moment, by the increased amount of supply, in some degree to compensate for the decrease of profits; and in the result only increases the very evil under which he suffers. I must repeat, however, that the question of sugar is totally different from the question of whether we shall or shall not continue the income tax. For the present year the noble Earl has introduced the question of the sugar duties not *apropos* to any measure introduced by the Government, nor to any statement made by them, nor to any Bill brought forward by them, nor to any announcement given by them; but because he understands, or has heard some rumour, that in the course of another Session of Parliament it is intended to retrace our steps with regard to the question of sugar. My Lords, that is not a question upon which I think I am called to make any declaration at the present moment, especially under the engagement we have made that during the present Session we will not submit any financial or fiscal changes to the consideration of Parliament; and therefore I think the House will agree with me that nothing could be more impolitic, nothing more improper, nothing more imprudent, than to make any declaration with respect to fiscal changes which it is impossible for us to bring under discussion, and to decide, until a future Parliament. The noble Earl who has just sat down, has said that the speech of the Chancellor of the Exchequer in the course of the present Session shows that the subjects of free trade are necessarily connected with the consideration of the income tax. Now, it was the bounden duty of the Chancellor of the Exchequer, in the other House of Parliament, to go through every detail in connexion with the finances of the country; not pronouncing any opinion on the merits of this or that course of policy, but stating to the House of Commons what was the state and progress of the revenue, and what measures he considered necessary to enable him to equalise revenue and expenditure before he asked the House to consent to a measure for reimposing the income tax. Consequently, it was impossible for him to avoid dealing with those questions which involved large amounts of duties, especially those imposed upon sugar, corn, timber, and various articles that entered largely into the revenue. It was impossible that he should overlook the receipts from these duties in laying before the House the state of the whole revenue of the country. But then, says the noble Earl, "Oh, but last year, when this question was discussed, you took it upon yourselves to state what course you deemed it advisable to pursue—not what course you were going to pursue, but what you would have done if you had been in office. You then said that you would reduce the income tax." I am perfectly ready to do so; I would have done so then, and I would do so now, if I had the means; but subsequently to that declaration of mine, made last year, Her Majesty's Government, who then had at their command a surplus revenue of 2,500,000*l*., thought fit to do away with that surplus by a reduction of taxation; and they thus made that which I recommended as wise, politic, and advisable, not less wise, politic, not less advisable, but simply impossible, because you had not the means of dispensing with the revenue derived from it. Therefore I do not think that the noble Earl is justified in pointing out any inconsistency on my part, because last year, with that surplus revenue, I expressed an opinion that we should do wisely gradually to reduce the income tax, and to do away with that which, in time of peace, I shall ever hold to be an objectionable mode of taxing the country; and because this year, being debarred from entering into the general fiscal question, I submit that, for a single year, having no surplus, but a deficiency, it is necessary for us to resort to a continuance of this mode of taxation. I am not going to follow either the noble Earl or the noble Duke, or any noble Lord who spoke this evening, into a general discussion on free trade, or on our commercial policy. To a portion of that commercial policy I was a willing and consenting party. I supported the reduction of the amount of differential duties, because I was desirous of placing our home producers and our foreign producers on a footing, not of nominal but of real equality. I desired to introduce a fair and *bonâ fide* competition, and thus to give a fresh stimulus to the industry of this as well as other countries. I am not ignorant, nor does it take me the least by surprise, when I am told that it is possible so far to diminish the duty on articles of import, and by this means to increase the amount of consumption, as in some cases to make good the whole loss to the revenue caused by the diminution of duty; and whether that principle was introduced by Sir Robert Peel or by any other party, I am a willing and a cordial co-operator in its application. Undoubtedly, if without injustice to other parties, if without loss to the revenue, it be practicable to give the greater part of the community a larger command of the necessaries and luxuries of life—no doubt if a lower duty on those luxuries and comforts will produce the same revenue, and at the same time will not act unjustly upon other classes in the community—it must be a matter of rejoicing to every man that the price of commodities should be brought so low as to be brought within the reach of the largest possible number of the consumers of this country. Nor do I deny that there has been a great boon conferred on the consumers generally of this country by the diminished price of sugar consequent upon the diminution of the duty—no one ever doubted that there would be a great addition to the comforts of the people by increasing the consumption of sugar: but the question which has to be considered, and which we should never lose sight of, is not singly and simply whether there would be a great advantage derived by the classes of consumers in this country, but whether that advantage to them is not bought by an act of injustice and spoliation on other parties, and by sacrificing and involving in ruin large classes of our fellow-subjects, who, upon the faith of your Acts of Parliament, have embarked their capital and their all in the cultivation of the article which you so depreciate. When these things are done, it may be very difficult to retrace our steps; but I confess that, notwithstanding the great advantage which the people of this country have derived from the freer import of foreign sugar—from the import, that is, of slave-grown sugar—I had much rather have seen a smaller advantage to the consumer at home derived from the improved cultivation of our own colonies, in consequence of the encouragement given to those who had a natural and rightful claim upon us, than to have seen a somewhat increased advantage gained even in cheapness by what I thought at the time was an act of injustice, and what I think now, in spite of what the noble Earl has said, had a tendency then, and has so now, to stimulate and encourage the production of sugar by means of slavery, and by that encouragement increase the infamous traffic in slaves, while it discourages the production of free-labour sugar in our own colonies. In like manner, I do not deny that it is possible there has been an increased consumption of the necessaries of life in consequence of the great fall in the price of corn in this country; but that that increase has been in anything like the proportion which is stated by the noble Lords opposite, is that which is utterly contrary to fact; and if I had the figures before me, it would be very easy to show that it is grossly exaggerated. Noble Lords opposite talk of an increase of 10,000,000 qrs. of corn in the annual consumption of the country. Now, my Lords, that 10,000,000 qrs. I believe is taken on an average which includes some years of famine, in which the amount of importation was considerably larger. Now, supposing that all this corn that was introduced was consumed, you are not to suppose that that was a gross addition to the amount consumed previously by the population of the country. In the first place, the average importation before the year 1846 was, if I am not mistaken, 3,000,000 or 4,000,000 qrs., and this deducted from the 10,000,000, will reduce it to something between 6,000,000 and 7,000,000. Taking this 10,000,000 quarters, and supposing that to be the average, supposing you want to come at the comparative consumption of the country, you must deduct something like 3,000,000 or 4,000,000 for the corn wheat which was imported in the years before the alteration of the law. That leaves an increase in consumption amounting to something like 6,000,000 or 70,00,000 qrs., not of wheat, but of corn of all descriptions. Then the noble Earl asks me whether I believe that 800,000 acres of wheat land have gone out of cultivation, in the face, he says, of all the immense Inclosure Acts which have taken place. Now, a large portion of those Acts do nothing whatever to the cultivation of the country; in fact, a large part of those Acts were inclosures of land held in common, all of which was then as much under cultivation with corn as it has been since the passing of the Acts. Nay, more so; because under the state of circumstances which existed previously to inclosure, it was impossible to depasture upon them; and these lands, previously to inclosure, were necessarily employed in the cultivation principally of corn. Well, but though 800,000 acres have not gone out of cultivation, does the noble Earl mean to tell me that there has been no diminution in the amount of produce imported from Ireland in the course of this year? Does he not know that there has been something like a diminution of 800,000 quarters of wheat alone in the importation from Ireland in the course of the last few years; and when you come to an increase of 10,000,000 qrs., reduced to 6,000,000, as I have already said, and when you have to make a further reduction for the diminution of production in Ireland, and of the imports from Ireland into this country to something like 2,000,000 quarters of corn of different descriptions, the case is materially altered. Now, I do not say that there has been no increase in the consumption of corn in this country; but I say, when the noble Earl proceeded to argue upon it as if it were an addition to the consumption of this country of 10,000,000 qrs., or something like it, he grossly exaggerated by something like 4,000,000 what I believe to be the actual increased consumption of this country, notwithstanding the enormous fall in price. However that may be, there remains the question, whether the benefit to the consumer has not been purchased at too great a price. The noble Duke passed very lightly over this part of the subject. He said, "I pass over all the landlords and all the tenants." That, my Lords, is rather a summary mode of proceeding in reference to great classes of men in this country. It may be very well for the noble Duke, and large proprietors like him, to say, "We can afford this heavy loss, and can put up with it; we shall have a large disposable property, and sufficient incomes to support us in comfort and luxury;" but there is a large class of both landlords and farmers, and if the landlords suffer on the one hand, and the farmers on the other, what must be the condition of the class which consists of landlords and farmers combined, small proprietors cultivating their own land, and on whom these losses are falling with double weight, and have pressed with a severity which has nearly extinguished a considerable portion of that class, and driven a considerable number more to seek refuge in other countries, from the difficulties which have fallen upon them at home. I say it, my Lords, with satisfaction—I believe the great portion of the labouring classes of this country are enjoying at this moment a very ample share of prosperity; and I should have been the last man to desire, by any measure which I might recommend to Parliament, to deprive those labourers of any portion of that prosperity; but undoubtedly the welfare of the labouring classes must be ultimately dependent upon the well-being and comfort of their employers, and if you diminish materially the means of the employer, sooner or later distress must fall upon the labourer. That wages have not been diminished at the present moment in proportion to the price of corn, I admit; but that merely means that the loss has fallen on the landlords and tenants, and not on the labourers, and the consequence of that fact is, no doubt, that the labourers are enjoying a considerable amount of prosperity. It is no doubt also true that, in the course of the last two or three years, both landlords and tenants have made great exertions to improve the system of agriculture followed in this country. The stimulus of necessity has operated upon them, to a certain extent, to the public advantage, perhaps, but with great oppression and hardship to themselves individually; and I have very great doubts whether, in many cases, that expenditure which has been incurred, and in consequence of which the labouring classes are now in a better condition—whether a great portion of the outlay, at least, is not a loss to the proprietor and to the tenant, though for a time it may no doubt add to the comfort and wages of the labourer. I do not deny either that in the course of the last few years there has been a very great extension, under every head, in the articles of import and export. I am not going to enter on the question—a very difficult question, and one which I believe nobody could explain at present—what is likely to be the effect of the late astounding discoveries of gold in various parts of the world; but I have no doubt that had it not been for those great and increasing discoveries of gold, and for the large influx of that precious metal which has come into this country with rapidly increasing speed, you would have seen a very different state of commercial affairs in the course of the last few years from that which you see at the present moment; and though it be quite true that the amount of our imports and exports has largely increased, I doubt whether, if we look into the balance-sheet of our commercial men, we should see that this increase in their operations has been accompanied with a corresponding increase of profit; on the contrary, I believe we should see, that with the largest amount of trade almost ever known, in the last few years there has been, short of absolute panic, less profit to the importers and merchants than in any year which has before elapsed. As to the prosperity of the country, noble Lords are exceedingly fond of quoting a diminution in the amount of pauperism. The noble Lord opposite said, that since the year 1848 the pauperism of the country had greatly diminished; but is it fair to take 1848? Why, we had a most emphatic declaration from the noble Earl who has just sat down, that 1848 was a year of so exceptionable a character—a year of wide-spread ruin, in which many classes unfortunately were involved, succeeding to a year of famine and pestilence in 1847—that surely the amount of pauperism in that year cannot be taken as a *datum* from which to calculate our increasing prosperity. But I believe I am correct in saying, that with all the prosperity of the country at this moment—with all the diminution that has occurred in the price of food—with all the consequent diminution in the amount paid for the relief of each individual pauper—still your expenditure on this head for the present year exceeds the outlay of 1845 and 1846. Since I came into the House a return has been handed to me, showing that there has been a demand in the course of last year for an increased amount of workhouse accommodation, for building new workhouses, and increasing the size of the old ones. That does not look like a symptom of increasing prosperity or diminishing pauperism; but thus it is. Is it a proof, I ask, of great prosperity when the bone and sinew of the country are departing in hundreds of thousands to flee the distress to which they are subject here, and to seek a better means of employment in other countries? Has that emigration produced no effect on pauperism? Why, we were told that there has been a reduction in the course of the present year of, I think, 17,000 paupers in England. Now, with respect to the efforts of the parishes alone, there have been sent out above 2,000 emigrants from England in the course of the last year, and that takes no account of the amount of emigration which has gone on voluntarily from England and Ireland, and which has amounted to between 500,000 and 600,000 persons. [Earl GREY said, the real number was only 300,000.] I find, on reference, that the total is 335,000, which gives the amount of voluntary emigration in the course of the last year from England and Ireland. It is difficult to ascertain what is the precise amount of Irish emigration included in that, because a large part of the Irish emigrants go from Liverpool, and appear under the head of English emigrants, though belonging to Ireland. But we have 335,000 of the poorest class of the community emigrating in the course of the present year, following on the diminution of the population by famine and disease to an extent which it is awful to contemplate; and it is not extraordinary, under such circumstances, without any reference to free trade at all, that there should be a diminution of the total amount of pauperism in this country. I did not intend, certainly, to be drawn into any discussion on the general condition of the country as estimated by the existing amount of pauperism, or the various tests brought under the consideration of your Lordships by noble Lords on the opposite side of the House. All I desire to say is this, that while I do not deny that certain of the community have largely gained by the introduction of free-trade measures—I believe that the whole community has gained considerably by the greater cheapness of some of the principal articles of consumption imported from other countries — but I believe, with regard to some portion of that free-trade system, the good has not been by any means an unmitigated good, and that it has pressed on large classes of the community, and on large parts of our colonial fellow-countrymen, with a severe and oppressive burden. Noble Lords opposite have asked what is the policy which the Government intend to pursue? Do they, it is asked, intend to reverse the policy of Sir Robert Peel, or do they not? Now, my Lords, I have already stated, as distinctly, I think, perhaps more distinctly than was absolutely desirable for me to do, that I had no intention of reversing the policy of Sir Robert Peel, understanding by that policy the policy which prevailed from 1842 to 1846. Nor have I any desire to reverse the policy of Sir Robert Peel evinced in 1846, by the reduction of the duties upon the import of foreign corn. I concur with my right hon. Friend the Chancellor of the Exchequer in believing that a moderate duty upon the import of foreign corn, while it would not appreciably increase the cost to the consumer, would be for the country at large the cheapest and most effectual mode of giving relief to the classes who are suffering in consequence of the total repeal of the duties. I repeat, however, again, that the question whether that alternative should be adopted, is one which the country must decide; and I am glad that I have given such great satisfaction to the noble Lords opposite, by what they call an important declaration which has been made by me this evening, which was neither more nor less than that, in my opinion, as far as I could judge, the result of the approaching elections would not be in favour of a proposition to reimpose the duty on foreign corn—that it was not likely we should obtain such a majority in favour of that course, without which I had previously declared I would not submit such a proposition to Parliament. When the noble Earl says I have given up all idea of making such a proposition—that I have abandoned all wish or intention to do it—I must take the liberty of saying that he has gone one step too far. I have already declared, on a former occasion, that I would not submit such a proposition to Parliament without a majority, such as must be thought adequate to warrant us in doing so; and I have intimated my opinion that we are not likely to have such a majority, so far as I can judge from present appearances. But if the sense of the country should be different from what I at this moment anticipate, then I say I hold my former opinion, that in no other mode can we more advantageously to the finance and commerce of the empire, provide for the public exigencies, than by a moderate duty on corn. But the noble Earl having represented me as having said that I abandoned the imposition of a duty on foreign corn, proceeds to say, "Go one step further, and tell us that you will do nothing whatever with the view of tampering (as some noble Lords call it) with the existing system." Now, if the noble Earl means to ask me, as Minister of the Crown, whether, if I am unable to afford relief to those interests which are suffering, in what I think the most advantageous manner, I am therefore prepared to abandon them altogether, and to give up any other mode of relieving them—then I say not only I will not do so, but that it is the precise opposite of what I have always stated before, and what I repeat now. In spite of the opposition of noble Lords opposite, I declare that it is the purpose of Government to seek to afford a good and equitable relief to those classes which, for the benefit of the community at large, have been made the victims and sufferers of our recent change in legislation; and I believe that, on the part of the English people, there is such a sense of justice that they will not see one class, or two or more classes, deprived of advantages which they have hitherto enjoyed, and at the same time subjected to an undue proportion of the burdens they have hitherto assisted in bearing. I state distinctly that it is my intention—it is the wish of Government, and the determination of Government, to direct their attention to the best mode they can devise of relieving those interests which have been suffering for the good of the rest. The extent and nature of the relief may not be in our control, or at our own command, but we intend if possible to afford that relief, consistently at the same time with full justice to all classes of the community. I declare now, as I have declared before, that the attention of the Goverment will be directed to that point, and that we shall hold it to be our paramount duty in one shape or another to afford that relief to those classes who have been suffering for the good, we believe, of the rest of the community.

The Duke of ARGYLL: My Lords, I cannot allow this debate to close without addressing to your Lordships a few words. I cannot admit that the question of free trade was any part of the question before the House; and I will not be tempted to enter into a general consideration of our commercial system. This much only I will say, that I cannot conceive how any rational man, with ample evidence before him, and judging by every test by which the welfare of a nation is ordinarily estimated, can resist the conviction that the great free-trade measures of Sir Robert Peel, including those measures which were carried into effect by the late Government, have resulted in signal blessings to the people of this country. In parts of his speech the noble Earl (the Earl of Derby) seemed to admit that fact, while in other portions of it he appeared to be attempting to explain away his own conclusion. He grants that the consuming classes have largely benefited, and he can only lay stress upon the sacrifices to the agriculturists by which those benefits have been produced. Now, that is a fair way of stating the argument, and I meet the noble Earl on that ground; and I say that those of the producing classes of this country who produce corn, have not so suffered as to make us regret in the slightest degree the passing of the measures of 1846. The noble Duke (the Duke of Newcastle) has said that this is a landlord's question. The truth is that it is not even that. It would not be enough to say, in a period of commercial distress, that it was a master manufacturer's question. If the master manufacturers were really ruined, all who depended on them would be injuriously affected also; and, in like manner, if it were true that the owners and occupiers of land were ruined, it might be doubtful if a general national benefit would be possible. But that has not been so; and such distress as there has been—sometimes, I admit, painful and severe—has not been on the whole of a character to diminish the estimate of the importance of the policy of Sir Robert Peel. So far as I can observe in Scotland—and I have made it my business to inquire—rentals, on an average, have not been diminished at all. In some districts, of which my own is unfortunately one, there has been a considerable diminution in rentals; but in the best districts, generally speaking, rentals have not been materially reduced. With respect to the labouring classes, they have had more employment than ever; their wages have not been reduced, and they may be said to be in a flourishing condition. I will, however, not enter on that question. I rose only for the purpose of expressing the satisfaction which I do feel—notwithstanding what has now fallen from the noble Earl in explanation of his previous statement—at the intimation which has fallen to-night from him. I will add, however—I say this with the utmost respect for him—that I do regret the form in which the announcement was made. The Government and Parliament appear to me to be placed in peculiar relative circumstances. Upon first entering office, the noble Earl declared his opinion that a small duty upon corn would be the fairest method of reimbursing those classes who have suffered from recent commercial policy. Subsequently, he said that he would not attempt to carry into effect this his private opinion, not only if he did not obtain a majority of the House, but if he was not sure that he had a majority in the country. To-night the noble Earl has gone one step further. He has intimated that, looking to the results of the canvassings which are now going on, he does not believe that he is likely to obtain in the next Parliament such a majority as that to which he has referred. Now, such an intimation, coming from him, I think we are entitled to say amounts to this—that he is convinced he must now abandon a proposition to reimpose a duty on corn. Under such circumstances I do entreat the noble Earl to reconsider whether, if such be his conviction, it would not be better at once to say what he leaves only to be inferred, that he has altogether abandoned that intention. It seems to me that no disadvantage can accrue to any public man from plainly stating before the country that he abandons a policy which individually he may believe to be good, but which he finds repugnant to the vast majority of the people. In resorting to indirect terms, he increases, at any rate, whatever dangers can proceed from an open and decided avowal; for such an intimation as the noble Earl has made to-night cannot but be received as providing a facility for a certain set of candidates at the next election. If, on the other hand, the noble Earl were to be free and frank, no blame could attach to him, because he would be acknowledging no inconsistency in himself, but merely the irresistible will of the country, and there could be no censure on him, except, indeed, in reference to the manner in which the noble Earl conducted his opposition to the late Government. All the great political parties in this country have had in turn to recant upon this question of free trade. The party which recently quitted power have been converts to free trade only ten years; and the party of the late Sir Robert Peel became a free-trade party only in 1846; and the change is now about to take place with the party which has been prominent as advocates of the theory of protection. In the course of this debate, at the period when I did not find the discussion very lively, I turned over *Hansard*, and examined the speeches delivered in the House of Commons at the time when this income tax was first proposed. I find one speaker asking why some other method could not be resorted to for meeting the deficit, and, as an expedient, that speaker mentioned an 8*s.* duty. That was so late as 1841, and yet that speaker was Lord Howick. The noble Earl (Earl Grey) is now and has long been a genuine free-trader; but this circumstance of his proposal in 1841 may be referred to as an evidence that inconsistencies on this question in leading public men are not new; and the result shows that no dishonour attaches to this avowal of changes, grounded upon the perception of the desires of the country itself. Another reason why an avowal of policy is now demanded from the noble Earl (the Earl of Derby) is, that so long as this income tax is retained as a stop-gap, and so long as it is not made certain that no party will attempt a reimposition of duties on corn, the great principles of taxation upon which it is time for us to establish an enduring system, will continue compromised. I agree with what has been said on this point by the right hon. Gentleman the Chancellor of the Exchequer, in another place, that, if we are to found the permanent revenue of the country on a system of direct taxation, it is impossible to have a system marked by large exemptions—such a system, with those large exemptions, amounting, as the right hon. Gentleman has correctly said, to "confiscation." I very much agree with this statement, because I view with alarm and jealousy the system of pursuing direct taxation as opposed to indirect taxation. For all these reasons, while finding cause for satisfaction in the inferences which the noble Earl has left us to draw, I deeply regret the vagueness of phrase by the noble Earl and by his Colleagues; and I regret this the more, that I heard, as a stranger in the House of Commons, the celebrated lectures which the right hon. Gentleman the present Chancellor of the Exchequer delivered to Sir Robert Peel upon the duties of public men—duties which the right hon. Gentleman now finds it convenient to elude. It was not change, but the circumstances under which change takes place, that determined the character of public men. The changes which took place in the opinions of Sir Robert Peel were never coincident with any mere party interest. Sir Robert Peel sacrificed every thing most valuable to a public man, excepting only that which was invaluable and above all price—the satisfaction of his own conscience as regarded the good of the country whose interests were entrusted to his care: all his changes being made in obedience to those interests which he believed to be for the highest advantage of his country; and so far from thinking that the career of Sir Robert Peel injured the popular estimation of the morality of our public men, I believe the exact contrary; and the proof of the contrary is to be found in the general tribute now paid by all classes to the memory of the departed statesman. But there are changes and inconsistencies which do damage public men; they are the changes made for the sake of party, and not at the sacrifice of party.

Earl GREY explained the cause of his suggestion of an 8*s*. duty in lieu of an income tax in 1841. He could assure the noble Duke that from 1837 to the present time he had consistently spoken against all restrictions upon commerce; and his suggestion of an 8*s*. duty in 1841, on an Amendment of the nature proposed by Mr. Hume, had not been made because he was not a free-trader, but because in the then existing state of opinion he had believed that such a compromise would have beneficially settled the question for some years.

The Duke of ARGYLL said, the noble Earl had mistaken the animus with which he had referred to the circumstance. He had not quoted *Hansard* to prove an inconsistency in the noble Earl, but simply to illustrate the point he was arguing, namely, that all parties and public men had been compelled to confess errors in respect to our commercial policy; and that, with such precedents, there ought to be less hesitation in the declarations of the noble Earl at the head of the present Government.

On Question, *Resolved* in the *Affirmative;* Bill read 2ª.

The House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 24, 1852.

Minutes.] New Member Sworn.—For Windsor, Charles William Grenfell, Esq.

Public Bills. — 1° Bishopric of Christchurch (New Zealand); Navy Pay.

2° Inland Revenue Office; Hereditary Casual Revenues in the Colonies; Excise Summary Proceedings; Bishopric of Quebec.

3° Corrupt Practices at Elections; Differential Dues.

FISHERIES TREATY WITH FRANCE.

Sir GEORGE PECHELL said, he wished to remind the right hon. President of the Board of Trade, that in 1843 an Act was passed to carry out a convention which had been entered into for the regulation of the oyster fisheries in the Channel, whereby arrangements were established which it was thought would be satisfactory to both countries. He (Sir G. Pechell), in asking a question at the time, was assured that those regulations would not in any way interfere with the fishing in Mid-Channel. Now, however, he was informed that the French Government had made communications with a view to prevent such fishing. He wished, therefore, to ask the right hon. Gentleman whether any instructions had been issued to the Commissioners of Customs (in consequence of any representation from the French Government), directing the commanders of revenue cruisers to prevent vessels taking oysters in the English Channel beyond the limits exclusively reserved to the fishermen of this country?

Mr. HENLEY said, that in consequence of the convention that was entered into some years ago between Her Majesty and the late King of the French relative to the Channel fisheries, an Act of Parliament was passed for the purpose of carrying that Convention into effect; and, among other provisions of that Act, there was one forbidding within certain months—from the 1st of May to the 1st of September, any fishing-boat in the Channel having any dredges or other fishing implements on board. Representations had been made to Her Majesty's Government, by the Government of France, to the effect that they were about to carry that treaty out, and wishing this Government to do the same. Representations had likewise been made to them by various bodies of fishermen in this country, some of whom wished the Act to be strictly carried out, and others of whom wished it to be relaxed. The fishermen of Dover and on the coast of

Essex were in favour of relaxation, while the fishermen on the coast of Kent were in favour of the Act being strictly put in force. Under these circumstances, Her Majesty's Government felt that they had no choice but to have the law, while it remained in force, executed fairly. There was no power under that law to prevent oysters from being landed and sold, but there was a power preventing boats from having dredges on board, and that, he supposed, was introduced to deter from poaching.

SIR GEORGE PECHELL wished to know whether the right hon. Gentleman would lay the correspondence with the French Government, and the orders sent to the Commissioners of Customs, upon the table?

MR. HENLEY would make inquiries upon the subject, but he did not apprehend there would be any objection to his doing so.

SIR GEORGE CLERK asked, if the right hon. Gentleman would also lay before the House the memorials he had received from the fishermen on different parts of the coast, because it was a question which materially affected the means of subsistence of many hardworking and industrious families; and if it were intended to alter the law, it was right the House should become acquainted with the claims of those parties.

MR. HENLEY had no objection whatever to the production of some of them. Generally, he might say, the memorials prayed that the Act should be enforced.

Subject dropped.

ADVANCES FOR IRISH RAILROADS.

MR. ORMSBY GORE begged to ask the right hon. Chancellor of the Exchequer whether, in the event of railway companies having paid up a certain proportion of their capital, and complied with certain conditions to be named by the Government, the Government was willing to make advances by way of loan to railway companies in Ireland; and whether the right hon. Gentleman was prepared to state what the conditions were which he required to be complied with before making such advances?

The CHANCELLOR OF THE EXCHEQUER: The conditions precedent upon which loans can be contracted by railway companies, are contained in the Act of Parliament by which those railway companies are formed; and the conditions on which Her Majesty's Government have made these advances, when the conditions precedent have been complied with, have been to make loans by instalments through the medium of Exchequer Bills. Their duty is to make the loans by instalments, and to see, when every new instalment is made, that a sum equal to that instalment has also been defrayed from the funds of the company. In this manner a sum above 1,200,000*l*. has already been advanced by the Treasury; and I am bound to say, the interest and the instalments have been all duly and precisely paid. Besides that 1,200,000*l*. there has been a sum of 500,000*l*. advanced to the Irish Great Western Railway by virtue of their special Act. With regard to the question of my hon. Friend, having made these remarks, I must observe that this is an abstract question, and I am unwilling to give an abstract reply on such a subject. But if my hon. Friend will call at the Treasury with any particular instance, and lay before the Treasury all the details of that instance, we shall give that instance that consideration which we have always given to others, and we shall act in a way which we think will tend to the general welfare, and give such assistance to Irish enterprise as we may think desirable.

HALIFAX AND QUEBEC RAILWAY.

MR. TORRENS M'CULLAGH said, he begged to inquire of the right hon. Secretary of State for the Colonies whether the communications that have lately taken place between Her Majesty's Government and members of the Executive Councils of Canada and New Brunswick, who have come to this country, relative to the formation of a railway from Halifax to Quebec, have been brought to a satisfactory termination? Also, whether there was any objection to lay before the House the correspondence between those members of the Executive Councils of Canada and New Brunswick and Her Majesty's Government?

SIR JOHN PAKINGTON said, the negotiations to which the hon. Gentleman referred had now terminated; but whether the termination might or might not be satisfactory to the hon. Gentleman he was unable to say, considering that it was a question on which very great difference of opinion existed. But he had to state, that after much consideration on the subject, Her Majesty's Government had arrived at the decision—and they had done so with much regret—a decision which they had communicated to the Governors of the Colonies in question, and to the members of the deputation, namely, that they were unable to recommend to the Imperial Parliament to give the security of the public revenue for the construction of a railway from Halifax to Quebec, by the only line which the deputation were empowered to assent to. With regard to the latter question, he was not aware there was any objection to the production of the correspondence; but he would give a decided answer on that matter to-morrow.

NEW ZEALAND.

SIR JAMES GRAHAM said, that in the debate on Friday last, on the New Zealand Bill, the right hon. Gentleman the Secretary for the Colonies had stated in the course of his speech that, in his opinion, the faith of the Crown was pledged to the arrangement with the New Zealand Company, with reference to their debt, in a manner somewhat different from the statutable arrangement of 1847; and he (Sir J. Graham) understood the right hon. Gentleman to found that opinion upon the correspondence which had taken place between the Secretary of State—before the appointment of the right hon. Gentleman to office—and the New Zealand Company; and the right hon. Gentleman had added, he was of opinion that that correspondence ought to be in the hands of Members before the discussion on the New Zealand Bill was again resumed. He wished, therefore, to know whether the right hon. Gentleman was prepared to lay that correspondence upon the table of the House?

SIR JOHN PAKINGTON said, that the statement which he had made on Friday night, and to which the right hon. Gentleman referred, was to the effect that the clause in the New Zealand Bill relating to the state of things between the Government and the New Zealand Company did not rest exclusively, as the right hon. Gentleman who had spoken previously (Mr. Gladstone) had supposed, upon the clause in the Act of 1847, but that a subsequent arrangement had been entered into, which consisted of a correspondence between the late Secretary of State (Earl Grey) and the New Zealand Company; and he had also stated that he had no objection to lay that correspondence on the table of the House. But he was not then aware of the fact that that correspondence was included in the list of papers relating to the transactions between the Government and the Company which had been already laid upon the table, and he begged to refer the right hon. Gentleman to those published papers.

SIR WILLIAM MOLESWORTH wished to know when the papers which he (Sir W. Molesworth) had referred to would be presented?

SIR JOHN PAKINGTON said, he feared it was impossible to have those papers ready before the next discussion on the New Zealand Bill. They were very voluminous, and owing to the pressure of business, he feared that they could not be produced in less than a month from the time the hon. Gentleman moved for them. He would see, however, that as much despatch as possible was made with them.

Subject dropped.

CASE OF THE REV. MR. BENNETT.

VISCOUNT CASTLEREAGH said, that on Friday evening he had given notice that, unless in the meantime he should be otherwise advised, he would on Monday ask the right hon. Gentleman the Chancellor of the Exchequer a question with respect to the appointment of the Rev. J. W. Bennett to the vicarage of Frome. He was sure it would give the right hon. Gentleman pleasure to know that he had been otherwise advised. He (Viscount Castlereagh) had had no previous communication with the rev. gentleman whose name had been implicated in an accusation brought against him in that House on the authority of *Battersby's Catholic Directory.* That morning, however, he had received a communication from the Rev. Mr. Bennett, stating that he could give a very satisfactory explanation on the subject, namely, that there was not one word of truth in the statement in *Battersby's Directory* respecting his having joined the Romish Church, and that he (Viscount Castlereagh) must be aware that the writer was in holy orders, and in communion with the Church of England, from the fact that he was at present vicar of Frome, and hoped to continue so. The reason why he (Viscount Catlereagh) had intended to ask any question on the subject was, that he was apprehensive lest the character of the Rev. Mr. Bennett might suffer from the unauthorised report which had obtained circulation through the pages of *Battersby's Catholic Directory*, and the rather as the inquiry instituted by the Government had not resulted in the vindication of the rev. gentleman, but was simply directed to a legal and technical point. He would warn hon. Members against placing too much reliance on the statements of *Battersby's Directory*, so far, at least, as conversions were concerned, for he held in his hand a letter from another clergyman, who, though differing from Mr. Bennett on some ecclesiastical points, had been reported in that publication to have joined the Roman Catholic Church, whereas the fact was, that he was still a clergyman of the Established Church, and was in possession of his living, and likely to remain so.

CORRUPT PRACTICES AT ELECTIONS BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Colonel SIBTHORP said, he regretted that Her Majesty's Government should have sanctioned the Bill brought forward by the noble Lord the Member for the City of London (Lord John Russell). It had already gone through three editions, but though they had wasted time and paper upon it, it remained as bad a Bill as had ever come before them. He warned the Government against the mantraps and spring guns set by the other side, for they would get caught if they did not mind. The Star Chamber was a farce compared with the tribunal which this Bill would create. It would send down Commissioners—briefless barristers he supposed—into various parts of the country; and, like poachers, they would lie waiting for their prey in the darkness of the night, and endeavour to entrap innocent and unwary persons—persons less likely to be guilty of corruption than the noble Lord himself. It would be well to sift what took place at the last election in the pure and immaculate City of London—how much money was paid, and to remember, *qui facit per alium facit per se.* Let the noble Lord remember that solemn warning about the mote in his brother's eye, and the beam in his own. It was a most unchristian-like Bill, and would restrain men from exercising those duties which their country had called on them to perform. If the Government chose to give an hon. Member an appointment of 2,000*l.* or 5,000*l.* a year, that was not bribery; but if a poor man got a shilling for refreshments, it was so. [*Cries of* "Question!"] He knew hon. Gentlemen did not like to hear these things. There were two kinds of bribery—real bribery, and made bribery; and it was principally with the latter that this Bill would deal. The Bill would encourage perjury, and he should, therefore, move that the third reading should take place that day three months.

Mr. HUDSON said, it would afford him much gratification in seconding the Amendment of the hon. and gallant Member for Lincoln. He had taken a very active part against a similar Bill, introduced by the right hon. and learned Master of the Rolls, on a former occasion, and he should, consequently, use his best endeavours to defeat this measure. The former Bill was stopped in the House of Lords by Lord Denman, who said it was so unconstitutional it ought not to be allowed to proceed. If the constituencies were to be dealt with, it ought to be by both Houses, in the same way as St. Albans had been treated. In that House, where party feeling ran high, he could conceive a case of an inquiry being directed to affect one party in a borough, when the other was as much open to it. He remembered such an inquiry with reference to the city of York about fifteen years ago, the sole object of which was to damage the Conservative electors, leaving those of the Whig party untouched. The object was defeated by his exertions: for as soon as it was found the Whig voters were equally involved, the inquiry was abandoned. A Whig Government being in office, the counsel on their side got their fees allowed; but he had been about 1,100*l.* out of pocket by his defence of the electors of York on that occasion. He had no personal interest in defeating this Bill, having no constituents to bribe or intimidate; but he was convinced its passing would give great dissatisfaction to the country. If not defeated here, he was confident it would be in another place. What was the necessity for the Bill? Why could not corrupt places be dealt with singly like St. Albans? Probably the noble Lord (Lord J. Russell) believed what was stated by one of the Committees on the St. Albans inquiry, that all boroughs were corrupt alike, and thought it would be less trouble to deal with them in the lump. It was an insult to the constituencies of England to act on such a belief, and to introduce a wholesale Bill like this. It had been said that Leicester ought to be inquired into; and nothing would be more easy than to make out a *primâ facie* case for that or any other place, and get a commission sent down to ransack gentlemen's papers, and inquire into their transactions. If it were true that corruption existed in every borough, the best course would be to pass a Bill authorising commissions to visit every one of them. The machinery of this Bill was aimed purely at the poor man, whom it was sought to crush, and leave hon. Gentlemen in possession of all the privileges they now enjoyed. He would not entrust to this House the powers conferred by this Bill; for he considered that nothing was more dangerous than the assertion of the powers and privileges of Parliament as against the people themselves.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Three Months."

Mr. Alderman SIDNEY said, he cordially agreed with the preceding speakers in the view they had taken of the Bill. He saw no reason why these constituencies should be subjected to such an inquisition as this Bill would create. In the City of London there was a body of persons, 1,000 in number, who regularly expected the sum of 40*s.* each before they voted. [*Cheers.*] He did not say any of them voted for the noble Lord (Lord J. Russell); he believed they did not; he was confident the noble Lord knew nothing of such a practice. Was the House prepared to send such a Commission as this Bill would authorise into the City of London, or to any place with 10,000 or 20,000 constituents? If not, it was a mockery and a delusion to apply it merely to small places. He admitted that he represented a borough which had played an important part before a Committee of that House; and he was convinced it was dangerous for candidates to engage in contests for such boroughs. But the effect of such a Bill as this would be to bring a set of fellows forward as candidates who had nothing to lose, either in character or money—mere desperadoes, who would aspire to a seat in that House as a last resort. Every one knew there was such a thing as patronage in that House, and that it was generally given to those who supported the Ministers. Would the noble Lord say that that was a less corrupt practice than the practice of paying voters at an election?

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 281; Noes 6: Majority 275.

Main Question put, and *agreed to;* Bill read 3°

Mr. CHISHOLM ANSTEY said, he had an Amendment to propose to the first clause. The House would remember that the Bill originally provided that when any Member had reason to believe in the existence of corrupt practices in any borough, he might move for an address to the Crown to issue a Commission of Inquiry. The Bill was afterwards altered, requiring the intervention of an Inquiry by a Committee of the House before any such Commission could be applied for. What he now proposed was, that the fact of the existence of corruption might also be ascertained by a judicial inquiry before a Court of Record; and he therefore begged to move the insertion of words to that effect.

Amendment proposed—

"In p. 1, l. 1, after the word 'That' to insert the words 'any judicial proceedings have been had in some Court of Record of competent jurisdiction by which it hath been ascertained or made to appear, or that.'"

Sir ALEXANDER COCKBURN said, he thought it would be very inconvenient to insert the words proposed by the hon. and learned Gentleman; for all that such an inquiry could do would be to ascertain individual cases of bribery; but the object sought by this Bill was evidence of wholesale corruption.

The ATTORNEY GENERAL said, he agreed in what the hon. and learned Gentleman had just stated, and wished that the hon. and learned mover of the Amendment would explain how it was possible that any judicial proceeding could take place which could throw open an inquiry into what was, in fact, the object of the Bill, namely, a wholesale system of corruption.

Lord JOHN RUSSELL did not think any proceedings before a Court of Law would prevent the necessity of an inquiry, either by a Committee or at the bar of that House.

Question "That those words be there inserted," put, and *negatived.*

Mr. T. DUNCOMBE wished to know why the provision of this Bill should not be extended to counties? It was at present confined to cities and boroughs. He believed county electors were quite as corrupt as, and certainly much more dependent than, 10*l.* voters in boroughs. The clause creating the 50*l.* voters, and which was commonly called the "Chandos clause," was opposed by him at the time it was brought forward; but several of his hon. Friends the hon. Member for Montrose (Mr. Hume) among the number, supported it on the ground that good might come out of evil, and that, as that class of voters would be so corrupt, it would at last lead to the ballot. Well, they had been waiting for upwards of twenty years, but the ballot appeared to be as far off as ever. It was well known that the 50*l.* tenants-at-will were wholly at the control of the landlords. By the 6th Clause of this Bill, the definition of bribery was "by way of the gift or the promise of the gift of any sum of money or other valuable consideration." As the tenants-at-will were perfectly dependent upon their landlords, he would ask, whether a promise to continue them in their farms, if they would vote for Mr. So-and-so, was not a valuable consideration, taken with the fact that if they did not so vote they would be immediately ejected? Another question referred to in the Bill was that of treating; and he believed there was ten times more treating in the counties than in the boroughs. Why, then, were counties to be exempted from the operation of this Bill? He thought the proposition to be a very great insult to the borough electors. Look at St. Albans; since the disfranchisement many of its voters would be merged in the county constituency; and did the House believe that they would be more pure as county voters than they had been as borough voters? Not a bit of it. He believed that some of them were even now established as agents for the Protectionist party. At all events, a time would no doubt come when the charge of corrupt practices would be made against counties. What, in that case, would the House do? Why, they would of course propose another Bill applicable to counties. Why not, then, do it at once? It could do no harm, but might do good. He therefore begged to move the insertion of words that would carry ou this views.

Amendment proposed, in p. 1, line 14, after the word "any" to insert the words "County, Division of a County."

COLONEL SIBTHORP said, if he were not mistaken, the hon. Member for Finsbury (Mr. T. Duncombe) had just voted against his (Col. Sibthorp's) Amendment to postpone the third reading of the Bill till that day three months; and, by that vote, he had condemned the boroughs and had supported the noble Lord's Bill. That being the case, although he (Col. Sibthorp) might be disposed to extend the same measure to counties as the House had determined to apply to boroughs, yet, coming as the proposition did from such a quarter, he felt it necessary to be cautious how he accepted the hon. Member's favours—*Timeo Danaos, et dona ferentes.* But this he would repeat, that he had never controlled a tenant's vote in his life, and never would.

CAPTAIN HARRIS said, the reason why he should support the Amendment of the hon. Member for Finsbury was, that this Bill, in a great measure, would be the machinery for transferring the franchise of small boroughs to large towns. He was very much afraid that would be the way the Bill would work. It provided for inquiry, the result of which was to be laid before Parliament, but they did not know what ulterior course would be taken; in his opinion, therefore, there was no valid reason why counties should not be included. His attention had been drawn to a large amount of bribery in counties, not by landlords only, but by Freehold Land Societies—freehold societies which were countenanced by the hon. Member for Manchester (Mr. Bright). He had heard of some of these societies being established in that portion of the country in which he (Capt. Harris) resided, and he understood the object was to bring the men who joined them completely under the control of those who apportioned the lands. Many of the men who held freeholds were in debt, and likely to continue in debt, and so long as they were in debt they held their votes at the disposal of the committees of those societies. He thought there was as much ground for inquiry into that state of things in the counties, as for inquiring into the practices in cities and boroughs; and considering, as he did, that it was unfair to the cities and boroughs not to include the counties, he should vote in favour of the Amendment.

MR. P. HOWARD said, he would support the Amendment, because it was invidious towards cities and boroughs to suppose that they alone were subject to temptation. He observed that the title of the Bill was sufficiently general to admit of the Amendment without alteration—the title being, "to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament."

MR. SHARMAN CRAWFORD said, if there was any necessity to protect the tenants at will in England from unjust influence, that protection was doubly necessary in Ireland, where corrupt practices were at the present time being carried into effect, and he should, therefore, feel it his duty strenuously to support the Amendment.

MR. CHISHOLM ANSTEY said, the hon. Member for Christ Church (Capt. Harris) seemed more conversant with the party politics of the county in which he resided than with Freehold Land Societies, which he represented to be of so base a nature that the freeholders were obliged to render their votes at the dictation of the committees of those societies. The 40*s.* freehold qualification was such that the voters need not be influenced in the way suggested. The hon. Member (Capt. Harris) had not named the county; he had not named the society; he had not named his informant; and, if the character of the hon. Gentleman did not stand so high, he (Mr. C. Anstey) would be inclined to think the whole story anonymous and fictitious. With regard to the Amendment proposed, if the object of the Bill was to exclude counties because of the amount of population, why not exclude Manchester and Liverpool, and Edinburgh and Glasgow, which were far more populous than several counties? If the object of the Bill was to exclude counties because of their extent, why not exclude the borough of Wenlock, which was thirty miles long, or Aylesbury, which was nearly the same size, and much more extensive than the little county of the Isle of Wight, or the county of Rutland. Whether the object was population or territory, this distinction ought to be abolished, and he should therefore support the Amendment.

CAPTAIN HARRIS said, the hon. and learned Member seemed to think he had advanced a charge that was incorrect. He would repeat what he had stated, that he had understood from several persons that money was advanced to these freeholders to purchase the freeholds—[Mr. C. ANSTEY: Where?]—and that they were to pay the money back by instalments, and that during the time the money was in course of repayment the votes were at the disposal of the committee of the society. [Mr. C. ANSTEY: What society?] This he had not heard from one quarter, but from a hundred different people, and whetherit was correct or not, he thought the House would agree with him it was a fit topic for inquiry.

MR. HUME said, he was one who had encouraged these Freehold Land Societies. He belonged to one in the City of London, and he would venture to say the imputation which had been made, was a calumny upon that society. He knew they were associated for the purchase of properties in different parts of the country; but so far from interfering with the exercise of franchise, there was never the least question put to the members as to their political opinions. The great point with these societies was the extension of the suffrage, without noticing who the individuals were who obtained it. He hoped the hon. and gallant Member (Capt. Harris) would take the opportunity of ascertaining at an early day what society was referred to, because this calumny at present applied to all similar societies; and these societies were conferring great benefits, inducing habits of economy and prudence in those who joined them. With regard to the Motion of his hon. Friend (Mr. T. Duncombe) he would be glad to hear from the noble Lord who brought in this Bill, whether he had any objection to it, because if he expressed his approbation, the Government, he apprehended, would have no objection, and he hoped the point would then be conceded of applying the provisions of the Bill, as they ought to be applied, to all classes of electors.

MR. BRIGHT said, he could add his testimony to that of his hon. Friend (Mr. Hume) with regard to the Freehold Land Societies. Speaking particularly of the largest—the one which had extended the suffrage the most, the one in Birmingham, and those in Lancashire—he was quite sure the hon. and gallant Gentleman (Capt. Harris) was entirely mistaken—that he knew nothing about them but what he had picked up from the papers of his party, which of course could not be relied upon. The hon. Gentleman might certainly have had some connexion with another society in Birmingham, a Conservative society of which the hon. Member for North Warwickshire (Mr. Newdegate) was a member; and he (Mr. Bright) could not say that the practice of that society was not as the hon. and gallant Gentleman had represented. But the practice was not so in those societies with which he (Mr. Bright) was acquainted. If the hon. and gallant Member, or any one else, chose to become a member and a freeholder, no one would ask him what were his political opinions, or how he intended to vote. With regard to the Amendment, nothing had been said against it. The only thing that had been attempted to be said was, that as the county constituencies were very large, that kind of treating and bribery was not carried on for which boroughs were so notorious. That was just as good a reason for exempting many large constituencies in boroughs, such as Edinburgh, Glasgow, Manchester, Leeds, or Birmingham, or any of the metropolitan boroughs. He believed there had never since the Reform Act been a single petition against the returns from the large boroughs or cities, with the exception of the City of London, where some old freemen still existed; and he had never heard of any charge of bribery against those constituencies to an extent to require the notice of Parliament. Therefore, if the answer was to be that county constituencies were so large, it would be equally an answer if it was proposed to include these large constituencies in the Bill. As they were legislating, it would be far better to include all, to make no difference between counties and boroughs, for whatever difference existed in the amount of independence, at least they expected equal virtue in both when the votes were given. They did not know but that hereafter, when the strife of parties became vehement, recourse might be had to extensive treating in counties, which ought to come under the operation of this Bill. If hon. Gentlemen opposite were never guilty of bribery, they would not come under the operation of this Bill. They must either admit that they wanted a different scale of virtue in boroughs and counties, or that a different scale of virtue already existed. He, therefore, thought it desirable to include counties in the Bill, and he should vote for the Amendment.

Lord JOHN RUSSELL said, the reason why he did not insert the word "counties" in the original Bill was, that, although they had had many complaints for now three-quarters of a century with regard to the prevalence of corruption in boroughs, he did not remember an instance in which it had been stated that in a county, or in a division of a county, bribery had generally prevailed. Of course, they were aware that, from the time of Old Sarum down to the last instance (that of St. Albans) the practice of bribery had generally prevailed, with regard to which Parliament had made inquiries, and Parliament had legislated. He had therefore thought fit to confine the Bill to that class of cases with regard to which Parliament had already interfered and instituted inquiries. The hon. Gentleman who had just sat down might make a distinction between large towns and small towns; but, in the first place, it was very difficult to draw the line as to the size of the towns which should be included; and, in the next place, he remembered an inquiry with respect to the town of Liverpool, and an intention intimated of proposing a Bill upon that subject. The reason he had not included counties, was exactly that which he had stated. He did not think there would be any objection, if complaints arose, to bringing counties under the operation of the Bill; but he thought it objectionable to insert the words at this moment, because the hon. Member who made the Motion did not propose it in Committee, did not state anything of the kind, until the House was considering the third reading of the measure. No notice had been given of the Amendment, though three other notices had appeared on the paper, and he did not think it so important that it ought to be adopted without notice. The hon. Member should have given notice of his intention to move the insertion of these words in Committee, when the question might have been fairly discussed. He did not think it fair now to move to include "counties."

The CHANCELLOR of the EXCHEQUER said, he did not oppose the principle of the Amendment. If they were to inquire into the conduct of constituencies, he thought a limitation to a particular class of constituencies was an odious distinction. But it was his sincere belief that the county constituencies of this country were pure. That was his firm conviction; and he was quite sure, if his firm conviction were not well-founded, they would have had complaints made to that House. If, in indicating the character of borough constituencies, it would afford satisfaction to hon. Gentlemen opposite, he could say also that he believed the corruption of borough constituencies was very much exaggerated: it applied to a very limited class of boroughs. Although the principle of the suggestion was one which he would not quarrel with, it would be well for the House to consider how it would work, how the Bill would apply, supposing the word "counties" was inserted. Suppose they established a charge of corruption, were they prepared to disfranchise a county, and leave a considerable portion of England unrepresented? The machinery which applied to boroughs did not apply to counties; and however good the principle, it was not well considered, not sufficiently matured with respect to this Bill. If the hon. Member for Finsbury (Mr. T. Duncombe) should succeed in bringing counties under similar Parliamentary control, then it would be necessary to devise different machinery to that contained in this Bill. The subject appeared to be one which required more consideration than it had received. He quite agreed with the noble Lord (Lord J. Russell) that the suggestion ought not to have been brought forward in this manner; that there ought to have been fair notice, that it might have been seen whether, if they adopted the machinery of the Bill, they could apply it to the principle of the Amendment. It struck him that the machinery was inapplicable. He would ask the House, were they prepared to sanction what, for aught they knew, might lead to the disfranchisement of the whole West Riding of Yorkshire, and leave the most considerable provinces of England unrepresented? He did not disapprove at all of the principle. He did not see why, if they legislated for boroughs, counties should not be included; but he hoped the House would not proceed to include them in this manner.

Lord ROBERT GROSVENOR said, if his memory did not deceive him, though he much doubted it after what had fallen from his noble Friend the Member for the city of London, he thought there had been a charge made of the most extensive bribery ever practised at an election having been practised at an election for West Gloucestershire. On account of some technical difficulty it was not inquired into—it could not be brought before the ordinary tribunal; but a Committee was apppointed to inquire whether a noble Lord had not been guilty of a breach of the privileges of the House in the manner in which he interfered in that election. As his noble Friend (Lord J. Russell) found it very difficult to draw the line between the constituency of one borough and that of another, so he (Lord R. Grosvenor) thought it very difficult to draw a line between boroughs and counties. Whether the machinery of the Bill were applicable or not, he did not know, but at present he should vote for the Amendment.

Mr. WAKLEY thought, after what had fallen from the noble Lord and the right hon. Chancellor of the Exchequer, the House ought either to adopt the Amendment, or adjourn the debate. It was quite clear this matter was not lightly considered. The attempt to draw the line was not only absurd, but unjust—most unjust. The right hon. Chancellor of the Exchequer stated that the constituencies of the counties were pure. Then keep them pure, by placing before them the fear of inquiry. But he entertained a different opinion, and he thought counties stood quite as much in need of a Bill of this kind as cities and boroughs. Gross corruption had been practised in counties, and he believed at the next election there would be more corruption than ever, because the motive would be more powerful than ever. It would be a gross insult to cities and boroughs to make such a Bill applicable to them and not to counties. The Bill was merely for a Commission of Inquiry, not for disfranchising any constituency. It was only a measure for a preliminary inquiry upon which the House might proceed, and they might disfranchise individuals as the result of that inquiry. He did not say he should persist in the Motion, but he thought he should, that the debate be now adjourned.

Mr. W. WILLIAMS said, when the Bill of the hon. Baronet the Member for South Essex (Sir E. Buxton) was introduced to legalise treating, it was acknowledged that the practice of paying for dinners was almost universal throughout England; and it was stated that there was an agreement on both sides that no adverse proceedings should be commenced on either side on account of that practice.

Mr. Alderman SIDNEY would remind the House, that at the assembling of the present Parliament, a very great number of petitions were presented against the returns for counties after the last general election, among which were petitions from North Staffordshire and Cheshire; and he did not, therefore, see why counties should be excluded from the operation of the Bill. It was quite notorious that, in the West Riding of the county of York, it was a matter of arrangement between the contending parties that they should give tickets for refreshment, and pay the expenses incurred by the electors on the days of polling. The terms of the Bill were certainly large enough to include counties, because the 6th Clause directed that inquiries should be made whether any corrupt practices had been committed by way of treating. Every principle of English justice required that a rule which was considered fair for boroughs, should be applied to counties also. He did not like anything that appeared one-sided justice. He would observe that there were three Universities which sent Members to that House, and he knew that the practice was to pay the travelling expenses of the poorer class of clergymen, and an allowance for their table while they remained in the city, If the House affirmed the Amendment of the hon. Member for Finsbury (Mr. T. Duncombe), he should take the liberty of moving, that the word "Universities" be added to the Bill, objecting as he did to any course which was of a partial and one-sided character.

Sir ALEXANDER COCKBURN said, he saw but one reason for voting against the proposition of the hon. Member for Finsbury, and that was the time and the stage at which this Amendment had been brought forward; otherwise he must say, that he himself fully concurred in what had been said as to the propriety of applying the principle of the Bill to counties. He believed that treating was carried on in counties to a considerable extent, and other influences were also brought to bear, to which the attention of that House could not be too soon directed. When he found it publicly avowed that a noble Lord, a Member of the House of Peers, in direct violation of the privileges of the House of Commons and of the rights of the people, had entered into a corrupt compact, to cause the return of a Member for a county constituency, which Member was to be in that House under the immediate and direct control of that noble Lord, and to be his nominee—when he found that this Member was denied the privilege of soliciting the suffrages of the electors on his own account, and that he was only permitted to ask for them in the name and on the behalf of the noble Lord who was his patron, he repeated that the attention of the House could not be too soon directed to influences of such a nature. He admitted, therefore, the propriety of applying the principle of this Bill to counties. But in this stage of the Bill the adoption of such an Amendment would give the Bill an entirely new character, and extend it to a case to which it was not intended to apply originally. But for this he should have had the greatest repugnance to voting against the Amendment.

Mr. HORSMAN said, he had never heard anything with more surprise than the statement made by the right hon. Chancellor of the Exchequer, that the West Riding of Yorkshire might be disfranchised by the operation of this Bill. Now he (Mr. Horsman) contended that the Bill contained no machinery of disfranchisement whatever. The Bill only empowered the Queen, after receiving an Address from the House of Commons, stating that corruption had been practised among any constituency, to issue a Commission of Inquiry. That was the whole of the power conveyed by this Bill. Under these circumstances he did not see on what principle they could shut out the operation of inquiry from counties.

Mr. FLOYER said, that the case of West Gloucestershire was the only instance which had been mentioned in which bribery and intimidation had been practised. It was said that treating took place in many counties; but no great demoralisation was occasioned by a candidate giving an elector a slice of bread and cheese, or a sandwich and a glass of beer. If that was all the treating that was to be put down in counties by the grand machinery of this Bill, he thought it was hardly worth the while of the House of Commons to interfere in so unusual a manner to put down an evil which a few days ago a large number of Members of the House thought it not unfair to legalise. When it was proposed to include counties in a Bill which was described by the noble Lord who brought it forward as one which was in the nature of a Bill of pains and penalties, he thought that some better reason should have been assigned than that given by the hon. Member for Manchester (Mr. Bright), that "there was nothing against it." Therefore, although no man in the House had a stronger repugnance to bribery and corruption than he had, he should feel quite justified in voting against the Amendment.

Mr. HUDSON said, he could corroborate the statement of the hon. Member for Stafford (Mr. Alderman Sidney) with respect to the practice at contested elections in the West Riding of Yorkshire. It was a regular understood thing there that half-a-crown and five shilling tickets should be issued. The hon. Member for Manchester (Mr. Bright), when he spoke of the purity of his hon. Friend the Member for the West Riding (Mr. Cobden), should not have forgotten that the hon. Member for the West Riding had never stood a contest. Whenever he did, he, or his friends for him, which was the same thing, would, he might depend upon it, have to pay the half-crowns and the five shillings. The noble Lord (Lord J. Russell) had talked of having never heard of corruption in counties, and put on an appearance of exceeding innocence; but the noble Lord had himself contested counties, and, if he were candid, must admit that he had paid larger sums than the mere legitimate expenses ought to have amounted to. He (Mr. Hudson) disapproved of the Bill altogether, and would not vote at all on this Amendment.

Question put, "That those words be there inserted."

The House *divided:*—Ayes 109; Noes 71: Majority 38.

MR. ALDERMAN SIDNEY then moved to include the Universities in the operation of the Bill.

Motion *agreed to.*

On Question, "That the Bill do pass,"

MR. STANFORD: Sir, though I am aware that the privilege of addressing the House at this stage of a Bill is but sparingly used, I cannot, on the present occasion, refrain from availing myself of the opportunity which it affords of recording my sentiments on the important and deeply interesting subject with which it deals, as well as of examining the claims of its supporters to be esteemed the uncompromising foes to, and *boná fide* extirpators of, the shameful and degrading practices of bribery and corruption which so unfortunately pervade our electoral system. Sir, I unhesitatingly say that there was never perpetrated in this House a greater farce, or to use a more vulgar but apposite and expressive term, a greater piece of humbug, than trying to delude the country into the belief that this measure is calculated, or was ever sincerely intended, to prevent corrupt practices at elections. I do not charge one party in this House more than another with conniving at this almost transparent deception — this organised hypocrisy. I draw a bill of indictment against the entire assembly, and do not shrink from declaring my conviction that there is no real anxiety, either on the part of Government, or of the Opposition of Whig or Tory, to eradicate this stigma upon our representative system; and it is to the pressure of public opinion from without, and to the efforts of the, I fear, small band of really honest electors in each constituency throughout the country, that in the absence of any serious attempt in this place, we must look for any chance of elevating the standard of political morality on the part of the constituencies at large. A distinguished and well-known foreign writer on the Constitution of England has affirmed, that "the liberties of this country are secure so long as the House of Commons remains incorrupt;" that is, while it purely and faithfully represents the wants and wishes of the people. Now, I ask, can this be alleged to be the condition of the present House, or how far will it justly be descriptive of the House about to be elected? Is it not well known that at every general election from 1,500,000*l.* to 2,000,000*l.* are spent by candidates and their friends, with the aid of leagues and clubs, in stifling true political action, in promoting drunkenness and debauchery, and degrading the franchise to a mere marketable commodity? I blush to think that foreigners who, in other respects, not unjustly take England as a model of representative government, should be able to hold up the finger of scorn at this debasing element of our elective machinery. But it has long been sufficiently notorious. It did not require the disfranchisement of St. Albans or of Sudbury to lay bare these political scandals. It is generally taken for granted that the electors in boroughs are more to be swayed by a ten-pound note than by any merit or personal qualifications in a candidate, or by any preference for his political tenets; and not an experienced electioneerer in the country but would at once tell you that a "purity principle" candidate has not the shadow of a chance. In counties, this is not the case, though the legitimate expense is very great: there, men are returned by wholesome and proper influences, namely, high character, ancient family, large landed estate, and estimable personal qualifications, made known by long residence among the electors — influences which, for the safety and welfare of the country, as well as for the honour of this House, will, I trust, long continue to operate. But, in borough constituencies, no hon. Member can hope for a permanent tenure of his seat unless prepared on each occasion of an election to bleed freely. These things are not, it is true, publicly admitted in this House; but, *sotto voce*, they are a common topic of conversation, and particularly at this period. Our ears are constantly refreshed with interesting dialogues of this kind, between two hon. Members: "Well, how are you getting on in your borough?" "Oh! I've a very awkward customer to deal with!" &c., &c. Now, it would be naturally supposed that this "awkward customer" was some candidate exercising a legitimate influence, formidable for his merit, his moral worth, his talent, his experience, his professional reputation, or commercial ability. But nothing of the kind: push your inquiry a little further, and you find it is some ambitious, venal competitor, with, probably, no single claim upon the suffrages of the constituency beyond a long purse and a loose conscience; a man introduced by some pettifogging attorney, backed by a staff of paid agents, and with a dirty *aide de camp* in the guise of "The Man in the Moon," as at Aylesbury, or "the Bell-metal Man," at St. Albans, to do the actual bribery. This is the "awkward customer," and is generally found the really formidable opponent. But how, Sir, can I blame the poor electors, when you, the *elite* of the noblemen and gentlemen of the United Kingdom, the highly born, the highly educated, men of honour, honourable in every sense—except at elections, when you have very convenient consciences—wink at such vile and debasing practices. How can I expect better things from a poor mechanic, a needy labourer, or small shopkeeper, when you lend yourselves to the offence? You say, in answer, though it will be hardly admitted in extenuation, "If I were to kick against these practices, I should myself be kicked out, to a dead certainty." There is some truth in this plea, bad as it is; and I shall myself possibly be made more fully sensible of its force at the coming election. Let, then, this probability that I may be addressing the House for the last time, at any rate for the last time on this subject, secure for me greater indulgence than I could otherwise hope for, if I venture to say that there are not a few hon. Members of this House who, so far from disavowing any participation in these corrupt practices, positively glory in them. I remember, at Cambridge, to tell a lie to a proctor was considered part of the moral code of an undergraduate; so there is a species of crooked morality in this House with regard to election matters, though any hon. Member would feel indignant at the imputation of the slightest moral delinquency in any other case. In election proceedings, mal-practices are made a constant subject of post-prandial boasting. One hon. Member plumes himself upon having spent 10,000*l.* in contesting such a place; another with having fought two contested elections and one petition, at a cost of 20,000*l.*: and what, indeed, is recognised as a stronger claim to a red ribbon, or a Baronetcy, an Embassy, or a Lordship of the Treasury, or any other snug Ministerial "desideratum," than, having successfully bribed an expensive constituency, except it be the conviction of a Minister that you will successfully do it again? There is not the slightest encouragement from any quarter, either among the electors or elected, to pursue a purer system. I have known, it is true, even among the poorer electors, some few whom no bribe could tempt; and I particularly remember, in the course of my canvass for the borough I have the honour to represent, a poor shoemaker being pointed out to me, who had seen better days, and whose misfortunes were attributable to his steadfast and honest adherence to his political principles. But I well remember, also, that his fellows looked upon him as a kind of crackbrained person, who, as the phrase went, did not know on which side his bread was buttered. And I believe that no very dissimilar notions are entertained here of a man who does not unreservedly ally himself either to the set of men who hold in their hands the honey of the hive, or to the only other set, they who are trying to get possession of the sweet confection. If you are wise in your generation you range yourself with the In's; or, if their tenure of place be shaky, it may answer better to enlist under the banners of the expectants. But to enter this House upon highminded principles, as a really independent man, determined to speak your own sentiments; to vote for measures irrespective of men; to have, in short, no other motive in the discharge of the gratuitous and truly laborious duties—when faithfully performed—of a representative, than to preserve an approving conscience and a grateful constituency:—such a political phœnix—such a moral phenomenon—would be politely called an "eccentric individual;" a refined nomenclature for dubbing him an ass. It is in vain to quibble about it; corruption and bribery, under one form or other, is the motive power of our Government, from the hustings to St. Stephen's, and you dont care to suppress it. You have already passed various statutes framed nominally to prevent and to punish bribery; but who ever heard of their being enforced? Why does not Mr. Attorney, as the *custos morum* of the public, put existing law in motion against your Coppocks and Edwardses, and a hundred other such worthies, as well as enforcing some doubtful penalties against a poor devil of a publisher for a trifling evasion of the Stamp Act? But, I repeat, there is no real disposition, no *bonâ fide* intention, to prevent or punish anything of the kind. I charge the noble Lord the late Prime Minister, one of the leading statesmen of this age, with having readily consented to the insertion of a clause in this Bill which must inevitably destroy the little merit which the Bill did possess, and make it a mere *brutum fulmen*, or idle threat. One might fancy that the noble Lord distrusts the work of his own hand —that he even is not anxious to see th constituencies called into being by his ow

Reform Bill, exercise their franchise freed from and uninfluenced by corrupt considerations. He probably dreads the consequence of a pure election, namely, a violent democratic majority in this House—a result by no means in my opinion improbable. But is it right to avert even such a calamity by such means—by degrading and corrupting the major part of every borough constituency in the kingdom, and thus sending men to this House who instead of representing any principle, represent absolutely nothing but their ability to bribe? What weight can be attached either to the speeches or votes of such men whether for Free-trade or Protection, Popery or Protestantism, when money alone has secured their seats? Read the Report of the Committee of 1842, and then let me ask if I am not right, if I am not borne out in all I say, whether there can be a greater absurdity, a greater libel upon representative institutions, than a borough election as commonly conducted, except it be the still grosser injustice and the still more solemn piece of mockery, an Election Committee. Look at their decisions; take only those of last Session as an example, when one hon. Member was unseated for want of a proper qualification, though every one knew him to possess ten times the required qualification; and, *per contra*, as a kind of set-off, you seated another Gentleman who in his place declared that, had he sat on the Committee, he was so ashamed of the bribery and corruption by which he gained his election that he would have unseated himself. Yet this is the barrier you have set up to inquiry: the sanction of a Committee, before even the preliminary step of appointing a Commission to inquire—to drag corruption to the light—can be resorted to. Sir, not a Member sits here but must feel that this Bill is a mere piece of waste paper; and I wish, Sir, it were permitted to me to ask your opinion. That there are means to put down bribery at elections without having recourse to the ballot, I in my own mind have no doubt; and had I the influence requisite to give them a fair reception here, I would point out how, in my opinion, such an end might be attained. But it is fruitless to do so, for I am more than ever persuaded by the manner in which this peddling measure has made its way through this House that there is no sincere wish to see the people of this country justly appreciate their privilege of the franchise, or to see them exercise it in a manner becoming men worthy of the name of freemen. But don't let us add gross hypocrisy to our other offences, by endeavouring to palm off this trumpery device on the country as an honest and *bonâ fide* en deavour on the part of the House of Commons to extirpate bribery and corruption at elections.

Mr. WAKLEY said, he had heard some extraordinary speeches since he had been honoured by a seat in that House; but of all the queer speeches he had ever heard in it, that of the hon. Gentleman who had just addressed them appeared to him to be the queerest. He could not, for the life of him, understand what was the meaning of the hon. Gentleman. He could tell the hon. Gentleman that there was one way of adopting purity of election, and that was by adopting the ballot. The ballot would afford an effectual security against intimidation and corruption, provided the constituencies were large. The hon. Gentleman had intimated in a variety of ways that they all neglected their duty, and he had told them that any man who honestly spoke his own sentiments in that House was an ass. Surely the hon. Gentlemon did not mean to say that he was himself an ass. [Mr. Stanford: No!] But had not the hon. Gentleman spoken his own sentiments? [Mr. Stanford: Yes.] Then he should be glad to know what the hon. Gentleman was. The answer to that question followed as a matter of course. He had been told that the hon. Gentleman, before he had been elected for Reading, had promised to unite himself by the closest ties to a lady of that town. It appeared, however, that the hon. Gentleman had not fulfilled that pledge. But he (Mr. Wakely) acquitted him of all blame on that head, because he was sure the fault was not his. Surely he could not blame any lady for not having united herself with such an animal as he had described himself to be. A number of Members of that House had endeavoured to secure purity of election, not by indictments, but by the adoption of the ballot; and yet, on the very last occasion on which they had had the ballot under their consideration, the hon. Gentleman had recorded his vote against it. Now he (Mr. Wakley) said it was impossible to obtain purity of election without the ballot. But he concluded, from what the hon. Gentleman had said, that the hon. Gentleman was taking leave of Parliament and of his Friends in that House. It appeared to him (Mr. Wakley), however, that on such an occasion the hon. Gentleman might have been more civil in the language he used. He did not wish to say anything disagreeable to the feelings of the hon. Gentleman; and if he had said anything of the kind, the hon. Gentleman had only to blame himself for it.

Bill *passed.*

POOR LAW BOARD CONTINUANCE BILL.

Order for Committee read.

LORD DUDLEY STUART rose to move the instruction to the Committee of which he had given notice. He considered the question they had to consider one of the utmost importance to a great portion of the public, for it was a fact that at any rate wherever there were parishes governed by local Acts, a deep interest was felt in the Motion which he had to submit; and he thought that whoever was in favour of the principle of local self-government should support that Motion. He believed that the foundation of all the power, wealth, prosperity, and freedom of this great country, and the principle which had made England the wonder and envy of the world, was this principle for which he had to contend. That important principle was seriously interfered with by the members of the Poor Law Board as they interpreted the law; the object of the present Bill was to continue the power of the Board so to interfere; and that what he wished to do was to take away that power, so far as it respected certain classes of parishes, which were never intended to be placed under the control of the Board by the original framers of the Poor Law Act. If the House should agree to his Motion, he intended in Committee to move the insertion of a Clause or Proviso to the effect that the provisions of the Act 4 & 5 *Will.* IV., c. 76, should not extend nor be construed to extend to any parish the management of the poor whereof was regulated by a Board of Directors or Guardians under a local Act or local Acts of Parliament. He would in the meantime undertake to prove three propositions: first, that the state of the law at present was uncertain, and therefore led to litigation; second, that the law, as interpreted by the Poor Law Board, was not in harmony with the intentions of the framers of the Act; and, third, that the law was, therefore, not in a state which was salutary or beneficial. With respect to the uncertainty of the law, that was proved, he thought, by the number of actions at law between the Poor Law Board and the different parish authorities The late Sir Robert Peel was of opinion that the power of the Poor Law Board should not extend to parishes governed by local Acts, and had always thought that where there were immense masses of population well governed under local Acts, it would not be found expedient to place them under the control of the Commissioners. He hoped hon. Members would agree with that opinion of Sir Robert Peel's. Was it not, on the face of it, much more likely that such parishes as Marylebone and St. Pancras would be well and harmoniously governed, if they were under the management of the local authorities—men who, from their position in every parish, must know the wants, wishes, and requirements of the parishioners—than if governed by any central Metropolitan Board? Why, in these parishes which he had cited, with their enormous and continually increasing populations, the management of the workhouses was admirable; and this was where the officers were popularly elected. He could not conceive that any Poor Law Board or Commission could be more fitted to manage these affairs than the representatives chosen by the parishioners, than whom he believed no more intelligent men could be found. He had mentioned, as a result of the present uncertainty of the law, that it had given rise to litigation in some well-known cases where the local Board of Directors or Guardians of the Poor had been brought into collision with the Commissioners. There was the proof of it to be found in the case which had lately occurred in the parish of St. Pancras, a parish which was governed partly by a local Act and partly by the 1 & 2 *Will.* IV., c. 60, commonly known as Hobhouse's Act, which the parish had adopted. The vestrymen were elected by the whole of the ratepayers, and one-third of the vestry retired from office at the end of every three years. The local Act under which they acted gave the vestry the power of appointing and removing their officers, and, among others, the master and mistress of the workhouse. In the course of last winter the vestry thought proper to exercise the power reposed in them by the Act by discharging the master of the workhouse; upon which they were informed by the Poor Law Board that they alone had the power to determine the continuance of that officer in his situation! The vestrymen, relying upon their local Act, which had not been repealed, and feeling that they had taken an oath which obliged them to conform to it, which they would not do if they obeyed the Poor Law Board, refused to comply with the order of the Board, or at least did not attend to it, whereupon the Board intimated to the vestrymen that, if they did not reinstate the master of the workhouse in his place, they would as soon as possible apply to the Court of Queen's Bench for a *mandamus* to compel them. Now, he thought that all this proved that the law was uncertain, and led to litigation. To show that the law, as interpreted by the Poor Law Board, was not in harmony with the intentions of the original framers of the Act, he would refer to the opinions of the present Chief Justice of the Common Pleas (Sir John Jervis), and the present Chief Baron of the Exchequer (Sir Frederick Pollock), and to the observations of the late Sir Robert Peel in 1841. He (Lord D. Stuart) believed that all the parishes which were governed by local Acts were anxious to be relieved from the interference of the Poor Law Board. Nor was this desire an unreasonable one, considering the results of this local management. He held in his hand a return relating to two of the largest and most important parishes in the metropolis—he might say, in the world—he meant St. Pancras and Marylebone, and showing that, while the population and number of ratepayers were constantly increasing, the number of paupers, and the amount expended for their maintenance, were constantly diminishing. The right hon. Gentleman the President of the Poor Law Board had stated the other evening, in answer to the hon. Member for Finsbury, that the Poor Law Board had no desire to interfere with the St. Pancras vestry and the removal of the master of the workhouse, and that all they did was to inquire into the reason for his dismissal. That was a mistake. He thought the vestry of St. Pancras would have been perfectly justified if they had refused to grant the information required by the Poor Law Board; but, in point of fact, they had not refused, for no request had been directly made to them. What took place was this, that on the 11th of March, since the right hon. Baronet (Sir J. Trollope) acceded to office, a letter was received from his office intimating that the Board would not allow the vestry to dismiss the master of the workhouse without carrying the case by *mandamus* to the Court of Queen's Bench; but if the vestry had any charge to make against the master, the Board was ready to listen and to report upon it. That was the only manner in which information was requested, and surely that could not be called a direct request. He hoped the Motion which he now brought forward would not be resisted by the Government. He would have made it though his political friends had been in power, though he confessed with far less hope than now, when the Treasury Bench was occupied by right hon. Gentlemen opposite, who, on every occasion when the Poor Law Bill was brought before the House had voted against it. In 1834, when the Bill was first introduced; in 1839, in 1840, in 1841, in 1842, and again in 1847, which was the last time this Bill was brought before the House, the same opposition was given to it. In 1841, the present Chancellor of the Exchequer opposed the Bill on the ground that it terminated the old parochial constitution of the country, and outraged the manners of the people for a mere sordid consideration. In 1847, the present Judge Advocate General (Mr. Bankes) had told them that the question for their consideration was not whether they were to remodel the Act of 1834, but whether, in reconstructing that part of it relating to central control, they would maintain substantially the same system; the right hon. President of the Board of Trade (Mr. Henley) had implored the House not to deprive the people under this Bill of their inalienable birthright; the right hon. President of the Poor Law Board had said that he could not find a clause in the Bill of which he approved; and the noble Lord at the head of the Woods and Forests (Lord J. Manners) had said that he had not heard one argument which would induce him to support such a measure. He (Lord D. Stuart) asked these right hon. Gentlemen whether they were now prepared to continue this Bill, which they had formerly so strongly condemned, without the alteration of a single clause? The right hon. Chancellor of the Exchequer had declared a few nights since that his intention was to carry out in office the principles he had advocated in opposition. He (Lord D. Stuart) could not understand, then, how the right hon. Gentleman could support this Bill in its integrity, and so continue to the Poor Law Board those powers which he had so often denounced as unconstitutional and oppressive. He (Lord D. Stuart) considered that, under the administration of the Poor Law Board, the poor were frequently exposed to very great cruelty and oppression; that the system of medical relief was very objectionable; that in many instances the poor suffered grievously in consequence of the enormous size of the Unions; and that the inmates of workhouses—especially the aged poor—were treated with much unnecessary rigour. He felt so strongly the importance of this subject that he should think it his duty to press his Motion to a division.

SIR BENJAMIN HALL seconded the Motion.

Motion made, and Question proposed—

"That it be an Instruction to the Committee that they have power to make provision for amending the said Bill, if they should so think fit."

SIR JOHN TROLLOPE said, that the object of the present Bill was to continue the powers of the Poor Law Board for two years. The powers now possessed by the Board would expire on the 23rd of July, or at the end of the next Session of Parliament, and, as the next Session might be one of very uncertain duration, it was necessary to bring in a measure to continue the powers of the Board. He thought the noble Lord (Lord D. Stuart) did not wish to abolish the Board altogether, but that he merely desired to restrict the powers of the Board with reference to certain parishes which were under the government of local Acts. No legislative or administrative powers were sought under this Bill. It was merely a Bill to continue the power of the Board for a limited period, and he thought it was most inconvenient that, upon such a measure, a discussion should be raised upon the whole theory and principle of the Poor Laws. The noble Lord had referred principally to the government of the poor in the parishes of St. Pancras and Marylebone, and had said, that in those parishes the operation of the Poor Law was extremely uncertain; that it led to litigation; and that its effect was inconsistent with the intentions of its framers. He (Sir J. Trollope) was not prepared to admit that the law was uncertain, for a number of decisions had been given clearly establishing the right of the Poor Law Board to issue regulations for the parishes to which the noble Lord had referred. It was true that a case had arisen in the parish of St. Pancras, to which the noble Lord had referred, respecting the right to dismiss the master of the workhouse; and that question was still in dependence. The master of the St. Pancras workhouse was lately discharged without any reference being made to the Poor Law Board, and he believed one of the material offences given to the vestry by the master was, that he had ventured to submit his case first to a Poor Law Inspector, and then to the Board itself. That was not an offence to be overlooked by the parochial authorities, and therefore they had refused to reinstate the man in his office, or to submit to the Poor Law Board. It was an act of courtesy on the part of the Poor Law Board that they had deferred any legal proceedings till after this Motion and discussion, because, if the noble Lord could induce the House to agree to this Motion and take away the powers of the Board, there would be an end of their interference. But if the House did so, there would be nothing but uncertainty: one system prevailing in one place, and another in another. The relief of the poor in the city of London would be governed upon one system, in St. Pancras upon another; to the north of Oxford-street you would have one law, to the south another. If the noble Lord's Motion were carried, it would exempt about one-eighth of the population and one-ninth of the Poor Law expenditure from any central control and supervision; for there were about 350 parishes under local Acts, comprising 2,000,000 of the population out of 18,000,000. Would such an exemption be advisable? Was it not to be expected that the abuses which existed before 1834 would return—the malversation of funds, the feasting, the eating and drinking, and objectionable methods of granting relief? The noble Lord supposed that all the parishes having local Acts were anxious to shake off the control of the Commissioners; but it happened that the very first deputation that was received at the Poor Law Board after his accepting office was from a metropolitan parish, asking for advice how they might relieve themselves from the operation of their local Act. It was plain, therefore that parishes were not so unanimous on this subject as the noble Lord supposed. It was true there were four petitions in favour of the noble Lord's Motion; but from whom did these petitions come? Not from the ratepayers, but from the vestrymen—the parochial authorities, who did not like to be controlled by the Poor Law Commissioners. It might be said, that they represented the ratepayers; but were the latter altogether satisfied with the management? In Marylebone, the list of vestrymen proposed by those with whom the noble Lord was in communication had just been successfully opposed; and he (Sir J. Trollope) had some very strong statements before him from gentlemen connected with Marylebone, who did not consider that things were as they ought to be in that parish. As a resident for several years in that parish, he could himself bear witness to the dissatisfaction that was generally felt on the point; and he held in his hand a letter from a gentleman who had long been resident physician in the workhouse, complaining of several defects, among others that the workhouse, which could only properly accommodate 1,500, was sometimes forced to contain from 1,900 to 2,200; that there was no proper classification of the inmates; that the boys' school was close to the men's ward, and the girls' school to the women's ward, and that communication took place between the children and the adults, to the manifest injury of the former; and that the atmosphere of the establishment was prejudicial to infant life, so that about seventy infants died annually in the establishment; while the number of inmates under medical treatment averaged 600, or about one-third of the whole. He (Sir J. Trollope) might state that in 1843 a lengthened inquiry took place before two medical gentlemen as to the rate of mortality in the Marylebone workhouse, and they made a report which gave very great offence to the Marylebone vestrymen. [The right hon. Baronet then read a communication from Dr. Boyd, now connected with a pauper lunatic asylum at Wells, and who formerly held a medical appointment under the Marylebone vestry, showing the hard lot of the little girls brought up in the Marylebone workhouse, after they left that establishment to go to service among the small tradespeople and shopkeepers in the parish, who expected them to do the work of experienced servants, though it was not at all suited to their years or station; also, a statement from Dr. Allen, still more recently holding a similar appointment.] There was no reproach on the character of either of the two medical gentlemen whose communications he had read. Since dissolving their connexion with the Marylebone vestry, they had both been appointed to the management of pauper lunatic asylums, and he thought their evidence was unimpeachable. He contended that the parishes of Marylebone and St. Pancras—the former with a population of 157,000, and the latter of 167,000—were much too large to admit of the wants of the poor being properly attended to by local boards. The Marylebone vestry was occasionally termed the Marylebone Parliament, from the circumstance of its being sometimes converted into an arena for the discussion of the wrongs of Poland and of Hungary, and such questions as the window tax; and perhaps they had a right to discuss such matters, provided they did not neglect the relief of their own poor. But he did say that in those great parishes there were many and grievous faults of management, which it was in the power of the local boards to remedy. For instance, the parish of Marylebone had not followed the example of many other metropolitan parishes, and removed their pauper children out of the precincts of the workhouse. He was sure that no man who understood the management of a workhouse would say it was right to keep 400 children within the walls of such an establishment. All that they had done in Marylebone was to remove some sixty or seventy of the children to a sea-bathing establishment at Margate. On the other hand, the parish of St. George, Hanover-square, among others that might be named, and than which there was no better example of good local management, had removed their pauper children to a healthy, dry, airy spot at Chelsea, where they were out of the way of contamination, and where everything was done for their proper accommodation. But not so with that great metropolitan parish, Marylebone. It confined 400 children within the walls of its own workhouse, subject to all the contamination they might receive from the admixture of classes. He might cite another case. On the 22nd of April last a Motion was made in the Queen's Bench for a *mandamus* against the vestrymen of St. Mary's, Islington, to compel them, under the provisions of their own local Act, to make a rate for the relief of the poor. The learned counsel who made the application said, the object to be attained was—

> "To command the defendants to cause a vestry meeting to be assembled, as by adjournment from the meeting of the vestry on Easter Tuesday last. At that time a meeting was held for the purpose of ascertaining what was the sum necessary to be raised for the relief of the poor in the present year. On that day the vestry had assembled under the local Act which was in force in the parish, and an estimate of the money that would be required for the maintenance of the poor for the year was duly presented; but the rate to raise the money

was not at that moment agreed to, because, by the local Act, other machinery was to be put in motion before the rate was actually made. The local Act was the 5 *Geo.* IV., c. 125, which repealed several other Acts passed for a similar purpose. The facts of the case were these:—On Easter Tuesday last there was a meeting, after due notice given, and an estimate was duly presented, declaring the sum required to be imposed for the relief of the poor amounted to 22,000*l.*, instead of 29,000*l.*, as in 1850, and 27,000*l.* as in 1851. A Motion was made that this estimate should be received and adopted, and entered on the Minutes. It was objected that if it was adopted all further discussion would be precluded, and therefore it was moved that it should only be entered on the Minutes. This was done. An Amendment was then moved, that the sum necessary for the relief of the poor was one penny. The Motion was seconded, but was ultimately withdrawn; but in the end the meeting negatived the proposed estimate. The poor were, therefore, left without provision, except through the means of what some rich and charitable individuals among the parishioners had advanced. The object of this application was to compel the defendants, under the provisions of their own local Act, to complete what had been begun, and not only to enter the estimate on the Minutes, but to adopt the estimate, and to make a rate."

Now, what did the Court do in this case? The Court granted the application, and, on the suggestion of Mr. Pashley, the counsel who applied for it, that the matter was one of pressing necessity, the Court, without granting a rule *nisi* in the usual way, ordered a *mandamus* to issue. The Poor Law Board did not wish to interfere unnecessarily; but ought such bodies as these to be left to their own devices without control or supervision? If inquiry was instituted, the system of administration under local Acts would be much discredited, and its defects and want of uniformity exposed. If places under local Acts were exempted, as proposed, under what pretence could a Poor Law Board be retained at all for the supervision of Boards of Guardians? The official dignity of the parochial authorities might be somewhat encroached upon by the Poor Law Board; but it was for the interest of the ratepayers to maintain a system which, by an efficient and all-searching supervision and control, kept down the rates. He had received a copy of a petition from St. James's, Westminster, which seemed to argue for the reservation of powers in the vestry over their own officers. The noble Lord's Motion proceeded very much on the same principle. What was sought was, that the officers should be subject to annual election; he feared that they would be too much the slaves of the vestries. On every occasion where due reason was assigned, such as misconduct, or unfitness for their duties, the Poor Law Board invariably acted on the recommendation of the local boards. They reserved the exercise of a veto on the removal of an officer without due cause shown. He did not think it necessary to enter on the dispute relative to the master of St. Pancras workhouse; but he must say, that these local boards were exceedingly jealous of central control. He had referred to the consequent disadvantage to the ratepayers. In 1846 provision was made for payments to parishes on account of medical relief, and masters and mistresses in the workhouse schools. Those payments went to relieve them of one-half the charge of the first, and the whole of the second, items. For six years had one of the metropolitan parishes, where the medical relief annually cost 2,000*l.*, declined to apply for the portion paid from the Parliamentary grant, and the ratepayers had consequently lost 1,000*l.* a year. He mentioned that case to show that those parishes were so exceedingly jealous of central authority, they would not receive even a benefit from it. The noble Lord had made out no case, and if the noble Lord went into the whole subject, he (Sir J. Trollope) was prepared to meet him; he was prepared to show, that if one portion of the parishes were to be relieved from the control of the Poor Law Board, so ought the whole; that it was not right to allow one portion to remain totally without control, and another to be kept under a rigid system of management. The instruction proposed by the noble Lord opened a vast field for inquiry, to which Parliament certainly could not devote its attention this Session. He begged in conclusion to state, that the Government had cautiously abstained from asking any new powers whatever under the Bill now before the House.

Sir GEORGE PECHELL said, that, considering the course which the right hon. Baronet the President of the Poor Law Board had pursued for the last ten or twelve years, those who had preserved consistency in their views must have been entertained with his discourse. The House had seen exemplified the contrast between those who were expecting the honey, and those who were receiving the sweets. The right hon. Gentleman had attempted to throw doubts upon the statements of the noble Lord (Lord D. Stuart), and had read letters from certain discontented persons, whom he called the "parish," and then he said the parishes in question were demanding to be relieved from the control of the vestry. But the right hon. Gentleman had failed to show anything like general discontent among the inhabitants of those parishes with the existing local government. The conduct pursued by the right hon. Gentleman in reference to this question was monstrous. The right hon. Gentleman had replied to the noble Lord just as if the noble Lord had made the Motion before the House for party purposes. Nothing could be more unfair; for the noble Lord, he (Sir G. Pechell), and those with whom they acted, had been for a length of time pressing upon the several Governments to give Boards of Guardians, under Local Acts and Gilbert Incorporation, that control over their expenditure which they ought to have; and he contended that from 1837 to March, 1852, whether under the presidency of the late Charles Buller, or the right hon. Member for Hull (Mr. Baines), with one exception, no Motion had been made in that House in regard to the management of the poor under local Acts, with a view merely to embarrass the Government for the time being. He warned the right hon. Baronet that if the system of interference with towns under the operation of local Acts was continued, it would cause such an amount of remonstrance that sooner or later redress would be inevitable. The right hon. Baronet had dwelt on the mischief which, he alleged, local Acts had produced; but at the time of the passing of the Poor Law Amendment Act, the exemption of certain parishes where relief was administered by Boards of Guardians was clearly recognised by Lord Althorp. The right hon. Gentleman remarked that no petitions had been sent by those parishes; but that circumstance was explained by the fact that they had confidence in their representatives, who would, they trusted, look after their interests. Chester and Chichester had petitioned because an attempt had been made to interfere with them; but if similar attempts were made to interfere with other places in the same category (including such towns as Hull, Birmingham, Brighton, Plymouth, and Southampton), there would soon be petitions enough. If it were alleged by the right hon. Gentleman that the people were dissatisfied when directors and guardians did not avail themselves of recent Acts of the Legislature relating to the payment of medical officers and teachers, he should say the reason was that those directors and guardians had no confidence in the Poor Law Board, and they knew that if they accepted any such rules or orders with reference to medical officers or teachers as might emanate from that Board, they would be liable to interference in other respects. He (Sir G. Pechell) complained of the late interference of the Poor Law Board in the parish of Alverstoke, Gosport. Though it had been shown by the Poor Law Inspectors that the parish had been well managed, such rules and regulations were inflicted on it as required a lawyer to make out their purport. On the part of the corporations that came under the provisions of the 22 *Geo.* III. c. 33 (the Gilbert Act), he was desired to represent to the House their anxiety that they should not be interfered with. That there had been an interference with the parish of Gosport could not be denied; and he hoped that if an instruction could not be given to the Committee on that subject, the House would, at least, be able to persuade the right hon. Baronet not to let the Commissioners interfere with those parishes unless good cause were shown.

MR. BAINES: From my recent connexion with the Poor Law Board, I am desirous of stating shortly the grounds upon which I think it my duty to resist the proposition of my noble Friend the Member for Marylebone. In doing so, I shall confine myself strictly to the question involved in that proposition. With regard to the case of Pancras, the fact that it is about to become the subject of judicial investigation, would of itself be decisive with me as to the impropriety of discussing it now. I trust, also, that my hon. and gallant Friend the Member for Brighton will pardon me if I decline, on the present occasion, to follow him into the subject of Alverstoke. Should he, at any time hereafter, think fit to move for the appointment of a Select Committee to investigate that subject fully, and to inquire into all the facts connected with it, I have no doubt that the Poor Law Board will be perfectly prepared to meet him. The question, however, now before the House is a general one, and is substantially this, namely, whether it is expedient for Parliament to enact that the jurisdiction of the Poor Law Board shall be wholly taken away in the case of every parish in which there is a board of guardians or directors of the poor, constituted under the provisions of a local Act. There can be no doubt whatever that by the Poor Law Amendment Act of 1834, the Commissioners (who are now represented by the Poor Law Board) were empowered, with regard to certain matters, to issue orders and rules, which should be binding upon parishes under local Acts, as well as upon all other parishes. Among those matters were the regulation of workhouses, the appointment of paid officers for the better relief and management of the poor, and the determination of the tenure by which each of those officers should hold his office. Since 1834, the Poor Law Commission has been renewed by the Legislature five times, and the powers in question have been renewed as often. The question, therefore, raised by my noble Friend is, whether Parliament was wrong in originally conferring those powers, and has also been wrong in ratifying them five times over? It is obviously a question of the greatest importance to the proper administration of the Poor Laws. The Legislature has left untouched the constitution of the Board of Guardians in every parish under a local Act; but the controlling power which I have mentioned has been given to the central authority with regard to workhouses and paid officers. The policy of the Poor Law Amendment Act in this respect is obvious. As to the regulation of workhouses, Parliament evidently thought it desirable that there should be something of uniformity in their management, and that a power of framing general rules for this purpose might be properly vested in the Commissioners, whose experience would necessarily extend over the widest field, and who would have the amplest opportunities for observation and comparison. A power to direct the appointment of such paid officers as they might deem necessary, was also given to them. The guardians elect to all such offices, but the Commissioners regulate the salaries, and determine the tenure by which the offices are to be held. They reserve to themselves the exclusive power of dismissal; and this is necessary in order to secure the independence of the officer, whose tenure would often be a most precarious one if he were liable to be dismissed at any time by a mere vote of the board of guardians, given, possibly, under the influence of some local or party prejudice, or even because he refused to consent to some unreasonable reduction of salary. What would be the situation occasionally of a chaplain, a medical officer, or even a union clerk, if he held his office upon no other tenure than this? When I look back upon my own official career, I am happy to think that in not a few instances I have protected good and efficient officers from an unmerited dismissal. I hope it is unnecessary to say that when I speak of encouraging a feeling of independence among poor-law officers, I am very far indeed from meaning to encourage insolence. Any thing like insolence on the part of such officers towards the Guardians, whose servants they are, would be discountenanced and punished by the Poor Law Board. A complaint from the Guardians of any kind of misconduct in an officer is sure to receive immediate attention, and to be followed by a strict inquiry conducted by one of the Poor Law Inspectors. For myself, I can say that whenever I was able to concur with the Guardians in their view of any question, I was most happy to do so. My earnest wish at all times was rather to co-operate with them in the administration of the Poor Law, and aid them, if I could, in the discharge of their important duties, than vexatiously to control or oppose them. I have not the least reason to believe that the right hon. Baronet now at the head of the Poor Law Board will ever act in any other spirit. With regard to the introduction of the rules and orders of the Poor Law Board in parishes under local Acts, I never interfered for that purpose except in one or two cases, namely, either where the Guardians themselves applied for the introduction of those rules and orders, or where I had satisfactory proof that the local system was attended with mismanagement and abuse. There is one part of the speech of my hon. and gallant Friend the Member for Brighton which I cannot pass over in silence, because it appeared to me to convey an imputation which I feel I have not deserved. He read to the House a list of parishes under local Acts, in which he stated that the Poor Law Board had not ventured to interfere; and in reading that list he laid a peculiar and significant emphasis upon the word Hull. Now I beg my hon. and gallant Friend to mark the accuracy of his information upon this point. When I had held my late office about two years, certain facts came to my knowledge which convinced me that the administration of the Poor Law at Hull under the local Act was extremely defective. Two deaths had taken place under circumstances which forced this conviction upon my mind irresistibly. I announced my intention of issuing the workhouse rules and orders of the Poor Law Board for the future guidance of the Hull Guardians. I found that that step would be exceedingly unpopular, as it often is with Boards of Guardians under local Acts, especially with those whose mismanagement has rendered a similar interference necessary. Strong remonstrances took place, and every argument which was likely to have weight with the Member for Hull was brought to bear upon the President of the Poor Law Board. I thought it my duty, however, to persevere: the orders were issued; and I hope my hon. and gallant Friend will not be sorry to hear that, according to subsequent acknowledgment of all parties, the course then pursued by the Poor Law Board has been attended with the best results both to the poor and to the ratepayers. I beg to apologise to the House for troubling them with these details. I have done so, however, because I thought that an unjust imputation had been cast upon me, and because I feel that if I have not the honesty of my administration to recommend me, I can have little claim of any kind to the good opinion of this House or of the public. With regard to the specific proposition of my noble Friend, there are other reasons against its adoption, besides those already stated, which appear to me perfectly conclusive. One effect of it would be, that in that numerous class of local Act parishes in which the rules and orders of the Poor Law Board are already in operation, to the perfect satisfaction of all parties, the old local system of management with all its faults must be restored, as the jurisdiction of the Poor Law Board would be wholly at an end in every one of those parishes. When the Poor Law Amendment Act passed in 1834, there were 375 parishes in England and Wales under local Acts, most of them being grouped in incorporations, and the remainder being single parishes each having its own Act. In a great majority of the whole number, the rules and orders of the Poor Law Board have been in operation for years. In some cases they have been introduced on the application of the Guardians themselves; in others the Guardians, though not asking for them, have consented to their introduction; and I believe that, in all, the improvement upon the former local system of administration has been undeniable. Will Parliament, by adopting the proposition of my noble Friend, consent to undo all that has been done, the revive all the old abuses—the jobbing, the injudicious or negligent treatment of the poor, and the other evils of various kinds, which have flourished more luxuriantly in some Local Act parishes than in any other parishes whatever? Besides, every one of those considerations of public policy, upon which the Poor Law Board have been authorised to issue their regulations to ordinary Boards of Guardians constituted under the Poor Law Amendment Act, is equally applicable to Boards of Guardians under local Acts. The power to prescribe a proper system of workhouse management, the power of directing the appointment of proper officers, and of regulating their duties and the tenure of their offices, are as necessary in the latter class of parishes as in any other. But it is said that there is something humiliating to a Board of Guardians under a local Act, in submitting to be guided by the rules of the Poor Law Board. Is this really so? How are the ordinary Boards of Guardians composed who act constantly upon those rules? Besides a certain number of elected Guardians, they comprise all the resident magistracy within their respective localities. Among their chairmen and vice-chairmen are to be found many of the highest nobility in the land, and many of the most distinguished Members of this House. If the Duke of Richmond at Westhampnett—if the Duke of Newcastle at Worksop—if the right hon. Baronet the Secretary of State for the Colonies at Droitwich—if noblemen and gentlemen of this description, acting to their own high honour and to the great benefit of the public, in the administration of the Poor Law in their own neighbourhoods, are content to be guided by the regulations of the Poor Law Board, made under the authority of the Legislature, I really cannot understand why these gentlemen of Pancras and Marylebone should feel themselves humiliated by it. And if, upon every ground of reason and policy, the powers of the Poor Law Board to issue regulations for workhouses, and for the appointment and dismissal of paid officers, are just as applicable to parishes under local Acts as they are to parishes of every other description, how can Parliament be asked to put an end to those powers in the former class of parishes, and to retain them in all the latter? The question then really is, whether the authority of the Central Board should be annulled throughout the whole kingdom. This is a question of the utmost gravity and importance, going to the root of the whole system of the Poor Law Amendment Act. It is one far too momentous to be dealt with by a clause introduced into a mere continuance Bill, when the present Parliament is on the very eve of its dissolution, and when the adequate consideration and discussion of such a question is impossible. Let any one who thinks fit, propound it to the next Parliament; let it then be grappled with manfully and settled finally. The present proposition, however, appears to me to be on every ground inadmissible, and I therefore consider myself bound to vote against it.

Sir GEORGE PECHELL could assure the right hon. Gentleman that he did not mean any imputation whatever, and if he laid stress upon the word Hull, it was merely to attract his attention, he being Member for that town. He, on the contrary, had endeavoured to pay him the highest compliment, and his regret was that he had not remained longer in office.

Mr. LASLETT begged to offer his thanks to the noble Lord the Member for Marylebone for having brought the subject under the notice of the House. He had some experience of the working of the Poor Law, and he considered that some amendment in the law was necessary.

Mr. J. A. SMITH considered that this measure was a great improvement in the law relating to the poor; but he regretted the manner in which the Motion of the noble Lord (Lord D. Stuart) had been received by the Government. The arguments which had been used, were, in his opinion, conclusive as to the propriety of having uniformity in the law. He could not understand why a parish, carrying on its affairs satisfactorily under its own local Acts, should be interfered with. The House had a right to have an explanation of the principle on which that interference rested. Local interest must, of course, influence many hon. Members. He (Mr. J. A. Smith) was interested for Chichester, which he had represented for twenty years. It was a collection of parishes under a local Act, and he was certain no complaint could be made with regard to the management of the poor there. He wished for an explanation of the principle, therefore, on which the Poor Law Board had acted in introducing their orders into parishes which had local Acts.

Mr. HUME said, that while the Board was under the direction of the right hon. Gentleman (Mr. Baines), who had directed it during the last Government, they had never heard a complaint against it; and it certainly had been considered a great relief from the Board which had preceded it. With regard to the parish of Marylebone, he admitted their affairs were not in that state he could wish them to be; abuses had crept in, and abuses took a long time to correct. With regard to St. Pancras, he understood the Poor Law Board had interfered with the employment of their own servants. A majority of the Board of Guardians of the parish had come to the conclusion that one of the public servants employed by them was unworthy of holding office, and he was dismissed; the general Board sitting in London had interfered and applied for a *mandamus* to compel his reinstitution; that was, he considered, contrary to common sense, and calculated to excite discontent and alarm throughout the country. If the majority of the ratepayers of St. Pancras had petitioned the Board, it had a right to interfere, but not otherwise; and he had been informed the parish declined to petition, because they wished to have it understood they were not under the control of the Board, or of the Poor Law Act. The time was come when they should look into the whole question, if the Board interfered in this way. He would propose that there should be added to the Bill words to the effect that—whereas doubts had arisen how far the hundred and odd parishes with local Acts were under the authority of the Board, it should be enacted that they were exempt, and should continue to be exempt from that authority, till the majority of the ratepayers of each parish should petition to be placed under it.

Sir JOHN TROLLOPE said, neither in the case of Alverstoke, of St. Pancras, of Marylebone, or of Chichester, had the orders been signed by him; they had been signed and issued by his predecessor in office.

Sir BENJAMIN HALL would remind the House that when the Poor Law Bill was last to be renewed, the greatest portion of the hon. Members who now sat upon the Government benches not only spoke but voted in favour of a proposition that the Board should cease and determine. He believed it was the present right hon. Judge Advocate who moved that the Bill be read a second time that day three months. He, therefore, had hoped that this Amendment would not have been opposed. The Board of Guardians of the St. Pancras Union desired to dismiss one of their officers. The general Board said they might pay their officers, but they should not dismiss them without first obtaining their consent; and the Board now petitioned the House to be excluded from the operation of the general Poor Law. The Strand Union was an instance of Government control not having prevented the most horrible and disgusting occurrences which could take place in any public establishment. He wished to say one word in answer to the taunt thrown out by the right hon. Gentleman the President of the Poor Law Commission on the conduct of the vestry of the parish of Marylebone. The right hon. Gentleman said that that vestry was a political arena; but it must be remembered that Marylebone was the largest parish in the Kingdom: it had a revenue of not less than 1,000,000*l.* and a population of 167,000 persons; and the persons who sat at the vestry board were elected every year, in order that the various interests of the parish might be represented. It was absolutely necessary that matters of great moment should come under their consideration; but it had been stamped as a political body in this way—they had no returning officers except the churchwardens, one of whom was elected by the vestry, and the other by the Crown. Now Lord Portman, in 1829, succeeded Lord Kenyon as the Churchwarden under the Crown, and continued to hold that office under the successive Governments of Earl Grey, Lord Melbourne, Sir Robert Peel, and Lord John Russell; but the moment the noble Lord the present Commissioner of Works (Lord J. Manners) found there was a vacancy, which occurred annually, that moment Lord Portman was summarily dismissed; no communication was made to him; Lord Portman was in the country, and on his return he found a notice on his table, that he had been superseded by the Government; there was not one word of explanation, and the political partisan of the Government in the parish was instituted in his stead. The parishes complained that they were not allowed to manage their own affairs, and that mandamuses were applied for to coerce them. He thought, under the circumstances, that the Motion of his noble Friend was a very fair one, and he hoped he would press it to a division.

Mr. JACOB BELL said, he should support the Motion, because he felt it his duty to defend the conduct of the vestry of Marylebone. If they applied the workhouse test to that parish, the number of paupers would be greatly increased, for their endeavour had been to prop up families with temporary relief in the hope that they might, with such assistance, be able afterwards to support themselves, instead of their becoming inmates of the workhouse.

Mr. HENLEY said, he wished to call the attention of the House back to the question immediately before them. That question had nothing whatever to do with the well or ill management of the Marylebone vestry; neither was it whether the Poor Law Board should be continued for two years longer, for no one had disputed that at all; but the question was whether, ay or no, those parishes which had local Acts should be exempted from the authority of the Board? The noble Lord (Lord D. Stuart) had charged him (Mr. Henley), and others on that side of the House, with inconsistency in opposing the present Motion, in the face of the fact that they resisted the Bill of 1847; but he denied that there was any inconsistency in the matter. He did not believe that the question of local boards, to which the present Motion referred, was at all agitated in 1847. The debate on that occasion wholly turned, he believed, upon the constitution of the Poor Law Board; and he must say that the course which was taken by himself and his friends in relation to that matter, had been justified by the speech of the right hon. Gentleman the Member for Hull (Mr. Baines) that night. The House would remember that the right hon. Gentleman, in speaking of the manner in which he had regulated his conduct, said, "I did this," and "I did that," demonstrating that what was done was the action of a single individual, and not the action of a Board. Now, the main ground which he (Mr. Henley) and those who acted with him took in 1847, was that it was indispensable to the well working of the Poor Law system that there should be a single responsibility. It would be remembered, that up to that period there was an almost uniform discontent throughout the country with the conduct of the Poor Law Commissioners; but owing to the able management of the right hon. Gentleman opposite (Mr. Baines), and his lamented predecessor (Mr. C. Buller), since the introduction of the new system, it might almost be said that the public had no knowledge of the Poor Law Board, so smoothly had every thing worked. It would be quite impossible to deal with the whole question of the Poor Law in the course of the present Session; and he was sure that hon. Gentlemen opposite would vigorously discountenance any attempt to accomplish such an object. Very many of the transactions under the Poor Law, which they had of late years had to deplore—such, for instance, as the calamitous mortality at Tooting—could not have taken place if the Board had had larger powers of interference than it at present possessed. With respect to the question then before them as to whether parishes having local Acts should be exempted from the operation of the Poor Law Act, he begged to observe that no one had attempted to answer the arguments of the right hon. Gentleman the Member for Hull on the subject; and, agreeing as he (Mr. Henley) did with that right hon. Gentleman, that there was nothing in reason or principle to justify them in exempting parishes that happened to be under local Acts from the control of the Poor Law Board, any more than parishes that were under the authority of the general Act, he must give his vote against the proposition of the noble Lord.

Mr. WAKLEY said, that the right hon. Gentleman (Mr. Henley) had laboured in vain to remove the impression which had been produced by the speech of his (Mr. Wakley's) noble Friend (Lord D. Stuart) with respect to the charge of inconsistency against the other side of the House. But the fact was, that words were beginning to lose their meaning. "Inconsistency" now meant "change," and "change" meant "consistency." But he would ask the right hon. Gentleman, if he opposed the Bill five years ago, why should he support it now? Under the present Poor Law there were as many horrors as under the old, though it happened that at this moment there was no pressure upon the workhouses, owing to the cheapness of food and the abundance of employment. Were the scenes witnessed at Andover and Tooting forgotten? The fact was, that hon. Gentlemen on the Ministerial side of the House, until they were in office, abhorred the centralising power; but now they were willing to take up the measure and perpetuate it, to the extreme annoyance of the ratepayers of this country. What was wanted by the country was a Poor Law Court, with a Poor Law Judge, before whom applications from the various parishes could be considered and decided in public, and then, in a very short time, there would be a code of laws for our guidance in such matters. He trusted the Government, if they did not approve of the noble Lord's Amendment, would relinquish the Bill, and wait and see what could be done in the next Session of Parliament, until the end of which period the present law did not terminate.

Mr. W. WILLIAMS said, that since the law had been under the management of the right hon. Gentleman the Member for Hull (Mr. Baines) a very great improvement had taken place; but the right hon. Gentleman had never interfered with the parishes. In the parish of Marylebone, he knew of the Board finding fault with the dietary for being much too good. It appeared that the prisoners in the county of Middlesex were much better fed than the poor in many of the poorhouses throughout the country. He would advise the right hon. Baronet the President of the Poor Law Board to allow those parishes that were governed by local Acts to manage their own affairs. They could manage them much better than he could. He hoped that he would consent to withdraw all interference with these parishes. If the right hon. Gentleman would not consent to do so, he hoped that the House would consent to the Motion of his noble Friend.

Viscount EBRINGTON said, that unless there was some central authority to see that the Act of Parliament was duly applied in the control of workhouses, the whole Bill of the Legislature would be constantly set at nought by local Boards of Guardians. He would press most urgently upon the right hon. Baronet the President of the Poor Law Board the necessity of making some inquiry into the state of the metropolitan workhouses, in some of which, as was shown by the returns of the Registrar General, there had been a very large amount of mortality.

The Marquess of GRANBY said, he was really quite tired of hearing without contradiction the statements which had been made as to the present universal employment of the lower orders in this country. The hon. Member for Finsbury (Mr. Wakley) had stated that there was no pressure upon the workhouses, in consequence of the cheapness of food and the abundance of employment. [Mr. Wakley: I said there were less than formerly.] But let the hon. Member look to the sister country of Ireland, where, in one of the Unions, the assistance of soldiers had been demanded in order to maintain order among the idle men within the walls. He would quote from an article which appeared in the *Times* on this subject, in which it was observed—

> "It is quite clear that a very trifling expense, as compared with the cost of their permanent maintenance at home, would transport these turbulent spirits from the scenes of their riotous exploits to distant regions, where their thews and sinews might be employed with advantage to themselves and to others. When will official men begin to shake off the humdrums of tradition, and look the facts of a totally new situation boldly in the face? Our modern statesmen are called upon to deal with a state of facts for which the experience of their predecessors offers no solution. Action is wanted, and instant action. We are not dealing simply with a redundant population at home, but with a perishing colony abroad."

The other night the hon. Member for Montrose (Mr. Hume) had told the House that there were thousands in Scotland who were unemployed, and who must be sent to Australia; and to-morrow night there was a ball for the relief of the unemployed in London. Let hon. Gentlemen ask the Spitalfields weavers whether they were employed; and let them go into the agricultural districts, let them go to Leicestershire, go into the labourers' cottages there, and ask them whether they have been benefited by free-trade measures. He knew that if they were to do so, the labourers would tell them that the reverse had been the fact. He begged pardon of the House for having made these observations; but the reiterations of hon. Gentlemen opposite as to the increased employment in the country since the adoption of free trade, compelled him to rise.

Lord ROBERT GROSVENOR could only say, with regard to the statements of the last speaker, that in the district to which he belonged, there was not a labourer out of employment; and at this moment there was not a single ablebodied pauper in the workhouse. As to the question before the House, he should be very sorry to see all centralising authority withdrawn, for he was convinced the poor would very much suffer from it. But, as there was a doubt about the law, he thought the House ought to see that that doubt was removed, and he should consequently vote in favour of the Motion of the noble Lord the Member for Marylebone.

Sir De LACY EVANS found that he could not, in point of order, propose the Amendment which he had put on the paper, but he would take the opportunity of stating that in 1850, the Poor Law Board issued an order which, in effect, removed all executive functions from the Guardians. In this order the rule was laid down that vestries should not remove their own officers, except with the permission of the Board—that, in fact, they should be retained for life. Now, this was a state of matters that ought not to exist. The vestries had appointed their officers for a century back, and it was preposterous that the Commissioners, who had nothing to do with their appointment, should interfere to keep them in their places. Such an arrangement could never work well.

Lord DUDLEY STUART explained that he did not mean anything beyond making those parishes which had local Acts independent of the Poor Law Board.

Question put.

The House *divided*:—Ayes 33; Noes 112: Majority 79.

House in Committee; Mr. Bernal in the Chair.

Clause 1 (Poor Law Board further continued); Proposed to fill the blank with "1854."

Lord DUDLEY STUART moved that the blank be filled up with "1853," instead of "1854," his object being to limit the duration of the Bill to one year.

Mr. SOTHERON said, he desired to see the Board continued for five years. In 1842 and 1847 the Board was continued for five years, and there was no reason why it should now be limited to a shorter period, for the Poor Law Commission stood better in public opinion now than formerly. It was most desirable to give the Poor Law Board a permanent character, not affected by political changes.

Question put, "That the blank be filled with '1854.'"

The Committee *divided*:—Ayes 72; Noes 26: Majority 46.

Clause *agreed to*; Preamble *agreed to*.

Sir BENJAMIN HALL wished to ask the hon. Member for North Wiltshire whether he intended to take any other opportunity of moving that the Poor Law Bill be continued for five years?

Mr. SOTHERON said, he would take that opportunity of giving notice that on the Report being brought up, he would move that the Bill be continued for five years.

Sir BENJAMIN HALL said, he would give such a proposal all the opposition in his power, and hoped the matter would be brought on at a period of the evening when it could be fully discussed.

Mr. WALTER said, he fully concurred in the observations of the hon. Baronet the Member for Marylebone. It appeared to him that the question of the renewal of the Poor Law Commission was becoming very like the question of the renewal of the Income Tax, which was in the first instance passed to meet a temporary emergency, but which now seemed to be a permanent measure. If the continuance of the Poor Law Board was intended to be considered a settled matter, he thought the best plan would be to settle it once for all; but if the Board was to be continued from time to time, the shorter the time the better.

House resumed; Bill *reported.*

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, May 25, 1852.

MINUTES.] PUBLIC BILLS. — 1ª Corrupt Practices at Elections; Differential Dues; Metropolitan Building Act Further Amendment.

2ª Enfranchisement of Copyholds; School Sites Acts Extension; Property of Lunatics; Stamp Duties (Ireland); Apprehension of Deserters from Foreign Ships; Turnpike Roads (Ireland).

Reported.—Property Tax Continuance.

THE MILITIA BILL QUESTION.

The MARQUESS of BREADALBANE understood from the Votes and Proceedings of the other House that the Militia Bill was soon likely to come before their Lordships. He wished to know from Her Majesty's Government whether they would be prepared to assist the House of Lords in their deliberations on this measure with the opinions of military and naval men? This was a question which, more than others, required such knowledge or such aid. The subject was the defences of the country, and the best means of improving them. Now, who could so well advise upon such matters as a man whose profession made him of necessity acquainted with them? How could a layman be expected to form a judgment upon them more than as to how to attack or to defend a citadel. He wanted to know whether the noble Earl (the Earl of Derby) would furnish the House with some professional data upon this most important question? The question he put to the Government was, whether they had taken the opinion of military and naval men on the subject of our national defences—and especially of the noble and gallant Duke the Commander of the Forces, than whom no one was better qualified to give an opinion on the subject; and, if so, whether they would lay those reports or opinions before the House?

The EARL of DERBY replied, that it was the intention of the Government to proceed with the Militia Bill as quickly as possible. The Government had duly considered the whole of the case, and had consulted many authorities, especially the noble and gallant Duke at the head of Her Majesty's Forces. It was the intention of the Government to proceed with the Militia Bill at once; it was one of those questions which the Government deemed urgent, and wished to have passed during the present Session.

The MARQUESS of BREADALBANE asked if the noble Earl had any objection to lay before the House military and naval reports founded upon investigation of the subject? It appeared to him that this was strictly a professional and technical question, and that the legislation of the House ought to be founded upon these reports.

The EARL of DERBY: I am not prepared to lay before the House any communications which Her Majesty's Government have received confidentially, respecting the military and naval defences of the country.

ENFRANCHISEMENT OF COPYHOLDS.

Order of the Day for the Second Reading read.

LORD CRANWORTH rose for the purpose of asking their Lordships to agree to the Second Reading of a Bill which had come up to them from the other House of Parliament, the object of which was further to extend the existing provisions for the Enfranchisement of Copyhold lands. He should not enter into any discussion with respect to the origin or nature of copyhold tenure—it was a subject which had puzzled antiquaries, and might well be left to their researches, while their Lordships applied themselves to the practical grievances to be remedied. He should, therefore, content himself with shortly calling the attention of the House to the evils arising from the present state of the law relative to copyholds, and to what had been done from time to time for the purpose of obviating or palliating those evils; and he would then briefly state the nature of this Bill, which had received the very general concurrence of all parties in the other House of Parliament. The grievances arising out of copyhold tenure, were not matter of recent complaint. The attention of the Real Property Commission, which was issued under the Great Seal, he believed during the time it was held by the noble Lord opposite (Lord Lyndhurst), but certainly during the latter part of the reign of George IV., was directed to this amongst other subjects; and in a very elaborate Report (he believed their third) which they made in 1832, they carefully pointed out and enumerated the evils existing in this part of our legal system. The general outline of those evils must be familiar to all their Lordships; but it might not be altogether without its use shortly to recapitulate some of the most prominent. Copyholds were a remnant, the last fragment in fact, of the laws of tenure that at one time prevailed nearly universally throughout this country. There was formerly the tenure by chivalry, by which the great lords held their estates; the tenure by free and common socage which now prevailed almost universally under the name of freehold; and the copyhold tenure—besides some other tenures to which it was necessary for him then to refer. One of the first Acts of the Parliament, after the restoration of King Charles II., was formally to abolish the tenure by chivalry, which had been practically abolished during the Commonwealth, and to reduce everything, with the exception of the copyhold lands, to free and common socage, &c.—to what is commonly called freehold. It was a very old observation made by a very acute writer, the author of the amusing *Life of Chancellor Guildford*, that it was somewhat unequal that when the great Lords abolished the tenures which pressed upon themselves, and substituted for them an excise upon the liquors consumed by the people, they left the minor tenures untouched and open to the same abuses which existed formerly. The consequences of these tenures were apparent, in the first place, in the payment of fines, rents, reliefs, and so forth, and in a number of services and dues that were payable by the tenants from time to time, and were calculated to inflict upon them very serious practical grievances. To two or three of the most prominent of those grievances, he would now direct their attention. In the first place, there was that strangest of anomalies that passed under the name of heriot. This was a custom which existed in very many manors, though it was not universal, and was not even confined to lands held by copyhold tenure. By it, on the death of a person holding land subject to the custom, the lord might seize the best chattel of which the tenant died possessed; in some manors the best live chattel; but in others there was no such restriction; in some cases it must be seized on the land, but in others it might be seized anywhere. Now, if that were stated to be a law existing in Madagascar, would they believe that such a thing could possibly exist where any law prevailed at all? He did not mean to say that practically it was any great grievance; for the feelings of men were such that no one who seriously attempted to enforce such a right would get any concurrence, and the lords were therefore frequently obliged to waive the right. Such, however, was the state of the law, and it was a blot on our judicial system that it should be so. Indeed, instances had occurred, in very modern times, in which this law had been enforced with very grievous practical hardship. He remembered that when he was a young man, the famous horse Smolensko, worth 2,000*l.* or 3,000*l.*, was seized on the death of the late Sir Charles Bunbury; and a similar case occurred on the death of the late Sir Gilbert Heathcote. About thirty years ago, when the late Lord Abinger, then Mr. Scarlett, was on circuit, a rumour of his death was spread; and the first intimation that Mrs. Scarlett received of the supposed melancholy event (though the report turned out to be a mere invention), was, that the agent of the lord of the manor seized three of Mr. Scarlett's horses. Since he entered the House that evening, he had been told, and he believed it was true, that the Pitt diamond was at one time pledged to a pawnbroker who had a small copyhold tenement in Westmoreland, liable to heriot, and on his death the lord of that copyhold manor either did seize or intimated to the parties, that he had a right to seize this diamond; but he (Lord Cranworth) believed that he was a man of too much probity of feeling to do so, and gave up that to which he had perhaps a right. Another curious illustration of the absurdity of this law was exhibited in what had occurred to the late Sir Robert Peel; who, being the tenant of a manor to which heriot attached, was in the greatest apprehension that if anything happened to him, his celebrated picture, the *Chapeau de Paille*, might be seized; and in order to free himself from that risk, he bought the manor of which the copyhold was held. Now if that was, as he believed, true, was it not a state of the law that was startling from its absurdity? He did not, however, put forth these hardships as the greatest practical grievances which flowed from this source—they arose from something of a much more commonplace kind. The ordinary copyhold tenure required that upon every death or alienation of a tenant, his successor should pay to the lord a fine which, in some cases, was called "arbitrary," which practically meant one year or two years' value of the land; while in other cases it was a fine of a shilling or five shillings, or some other sum of no real importance. It was stated by a gentleman who gave evidence before a Committee of the other House of Parliament which sat in the last Session, upon the Bill which was then before their Lordships, that in about two-thirds of the manors of England a fine arbitrary prevailed. What was the consequence? Let their Lordships reason upon it *à priori.* If the tenant laid out money in improving his land, should he derive the benefit of all he so laid out? Certainly not; for at his death his heir would have to pay to the lord two years' improved value. Mr. Blamire, a gentleman eminent in all agricultural matters, formerly in Parliament, who was many years at the head of the Tithe Commission, and who was also a Drainage Commissioner, and was therefore well competent to speak upon this subject, was examined before that Committee, and he then stated that the Drainage Commissioners never had an application to drain copyhold lands; persons would not do it. The very name of copyhold was repulsive to them. Every one who wished to drain wished to drain something of which he would have the entire and complete control. Mr. Blamire's experience was that the profit derived from laying out money upon drainage was from 12 to 20 per cent; the tenant then—and the country at large—were thus deprived of an immense annual advantage by the operation of this tenure. But the evil was not limited to the non-drainage of copyhold lands merely; copyhold land was not generally to be found in separate estates, but was usually mixed up with freehold land; and the practical result was, that the tenant occupying such estates, rather than drain the copyhold portion, abstained from draining at all. But draining was not the only important improvement that was checked by this system of tenure—building was prevented, and he believed by the general law of copyholds no man had a right to build at all, still less to pull down buildings on his land; and the effect of this prohibition was as widely mischievous as the regulation with regard to drainage. As an example of the effect that would be produced by the enfranchisement of copyhold, he might refer to a piece of ground near the Crystal Palace. It was copyhold held under the Dean and Chapter of Westminster, and was let for only 30*l.* a year, while the land around it being freehold was covered with buildings at most remunerative rents; at length, by an arrangement between the landlord and tenant, this land was enfranchised; it was immediately sold at 150 years' purchase, and was now, like the contiguous land, covered with houses at corresponding rents. These were among the leading evils of the system; and there were innumerable others; but if there were none besides the mystery and uncertainty attending the transfer of copyhold lands, occasioned by these complicated varieties of tenure, there would be quite sufficient reason for correcting the evil. He was not one of those who were so sanguine as to imagine that the transfer of land might be made as simple a matter as the transfer of stock; but there was no question that the transfer might be infinitely simplified, and he was very anxious that Parliament should not delay to take every practicable step in that direction. The special customs which existed in so great a number of copyhold estates, were in themselves a most serious impediment to this very desirable object. Nobody knew but that at the very moment, after infinite trouble and expense, he was on the point of completing the purchase of an estate supposed to be ordinary copyhold, some special custom might start up, wholly altering the case so far as he was concerned. For example, he knew of one case in which a gentleman, having all but completed the purchase of an estate, which he had been assured, and which all the previous evidence went to show, was under ordinary copyhold tenure, was informed at the last moment that the tenure was borough English—that was to say, went in a course of descent to the younger and not to the elder son—and, in consequence, all the trouble and all the expense that had been so far incurred were thrown away. Another vexation of the system was the requirement imposed upon the tenant of keeping the boundaries distinct between his intermixed copyhold and freehold lands—a requirement very difficult to be observed, but which left an opening for considerable vexation. One evil which had formerly existed with reference to copyhold lands, the difference required to be observed in testamentary dispositions as between them and freeholds, had been obviated by the Wills Act. Originally the laws applying to wills relating to copyholds were special, and distinct from those referring to freeholds. In 1837 the Wills Amendment Act altered this, and did away with the distinction. In 1838 the noble Lord (Lord Campbell), being then Attorney General, and he (Lord Cranworth) Solicitor General, three measures were introduced into the House of Commons. The first Bill contemplated the gradual enfranchisement of copyholds; the second referred to the fixing of copyhold boundaries; the third dealt with some details which he did not recollect. Those three measures were sent to a Select Committee, on the Motion of Sir Robert Peel. The proposal of the Committee, after taking evidence, was, that the enfranchisement and commutation should be placed under the direction of the Tithe Commissioners, who were supposed to be well fitted for such a management, as already dealing with germane affairs; and that, as in regard to the commutation of tithes, the enfranchisements should not be compulsory, but should be left to voluntary arrangement between the interested parties themselves. Legislation, however, was delayed until 1841, and then an Act (the 4 & 5 *Vict.*) was passed, providing facilities for enfranchisement in this manner—that it gave to those who were called "incompetent" persons, and who without that Act would have been helpless, power to obtain enfranchisement of their copyholds. It was further provided that even without absolute enfranchisement, the chief burdens of copyholds, such as fines, heriots, &c., might be commuted and turned into a rentcharge whenever the lord concurred with three-fourths of the tenants. But during the whole period since the passing of that Act, there had been only two instances of such a commutation—from whence he (Lord Cranworth) inferred that everybody wished to be a freeholder rather than a copyholder, even although they might get rid of the principal burdens attached to copyhold tenure by the commutation. Enfranchisement had gone on more rapidly, but not very rapidly; and it was the opinion of the Commissioners that it could not proceed rapidly until there was some more compulsory measure; and there had been only 400 cases altogether under the former Act. But this took place, that there never was a Session but in one House or the other there were discussions on the subject —discussions which showed that, sooner or later, the enfranchisement of copyholds must inevitably take place. Bills had been introduced by parties unconnected with any Government; but in 1848 Lord Cottenham brought in a Bill which was read a second time; but beyond that he (Lord Cranworth) could not trace it In the last Session two Bills were brought into the other House by two hon. Members, and were referred to a Select Committee. The Committee having gone through the Bills with great care and attention, had recommended a compromise, or an amalgamation of the two measures; and the Bill before the House was the result of that compromise. If their Lordships now read the Bill a second time, he should ask for a Committee *pro formâ* to make some amendments, there being some inaccuracies in the language, which he wished to put in a more perfect form. The Bill had been considered by the Government in the other House, who had recommended certain alterations, and it now came to their Lordships for a second reading. He (Lord Cranworth) thought that no measure would be perfect which did not, on the same principle as the Tithe Commutation Act, embrace the question of a general commutation; but, as had been recommended by Sir Robert Peel, he thought it would be better to attain that object by steps. The present Bill referred to the facilities for enfranchisement given by the Act of 1841, to parties willing to adopt it; and its object was to enable, under certain modifications, either the lord to compel the tenant to enfranchise, or the tenant to compel the lord. This might operate hardly on a poor copyholder who did not want to be disturbed. The present Bill dealt fairly with that case; and would not allow either the lord or the tenant to claim enfranchisement, until the necessity for admittance arose either by alienation or death. The enfranchisement might be effected either for a rentcharge, or for a gross sum of money. If the demand for enfranchisement was caused by alienation, the party would be saddled with a rentcharge, or an extra sum beyond the fine, which would be no grievance to the purchaser, who would buy subject to that. In the case of alienation by death, the person to whom the estate descended would take it—not as a copyhold, but as a freehold, subject either to a rentcharge, to be assessed, or an annual rent. There would be no hardship on the lord, because, either at the death of a tenant, or the alienation of the estate, he was entitled to a fine, for which he would now receive an equivalent, either in a gross sum or an annual sum to be assessed. It seemed to him that this Bill was a fair compromise, and that, at least it would be better than to allow the present disgraceful state of the law which now existed to continue; and he therefore moved their Lordships to give a second reading to the Bill.

Moved, "That the Bill be now read 2ª."

The LORD CHANCELLOR said, that no doubt many evils had sprung from the tenure of copyhold, and his noble and learned Friend had stated them with his usual power, and had shown that it would be desirable to enfranchise copyholds generally, if it were possible to do so without trespassing too much on the rights of property. He had particularly alluded to the evils arising from heriots, which he (the Lord Chancellor) could speak of from personal experience; for he had some copyhold property, and not choosing to put his family to the inconvenience of having their horses or their " best chattel" seized by the lord at his death, he had caused the copyhold to be taken in the name of a trustee, to prevent the lord making that claim. He was, therefore, perfectly sensible of the inconveniences of the system, and no one would be more ready than he should to support any Bill which should remedy it. He thought, however, that his noble and learned Friend had rather exaggerated some of the evils of the present law, and overrated the good that would be effected by this measure. He agreed with his noble and learned Friend, that in point of law copyhold land could not be built upon, for that was considered as waste, nor could houses that had been erected upon it be pulled down. There were many localities in which great advantage had arisen in preventing them being covered too speedily with a dense mass of buildings. Reference had been made to Islington; but if a foreigner wished to know whether this institution were fit for Madagascar or for England, and he was taken over that portion of London, he would be astonished if he were told that this tenure had produced such consequences that a complete stop had been put to buildings in the heart of the metropolis. The lord had as good a right to the freehold as the tenant to the copyhold; and nothing but clear motives of public interest could justify the Legislature in interfering with the rights of the lords and the tenants. His noble Friend had put the question on too high a ground, by saying it ought to be placed on the same footing as tithes, which required to be dealt with by the Legislature in relation to the Empire at large. There was no such necessity as regarded copyholds. He agreed that any measure would be most desirable that would lead to the enfranchisement of copyholds; but it must be done without bearing hardly on the rights of parties. His noble and learned Friend had referred to the evils of the descent of copyhold property; but this Bill, as far as he understood it, did not in any way remedy those evils. He (the Lord Chancellor) denied that there was such a complication with regard to copyhold titles as had been stated by his noble Friend, and would assert that they were more simple than those relating to freeholds. He thought they were bound to protect the smaller tenants who preferred this species of tenure; which had the benefit of a registry which was local, accessible, and could not be overloaded, which was one of the evils attached to a general registry. This Bill would deprive the copyholders of that, while the expense attached to the tenure would be greatly increased. There need not be two deeds on every sale or transfer of estates which consisted of freehold and copyhold land. There were two documents; but that was no objection, for the tenant did not, generally speaking, pay more than he would pay if the estates were entirely freehold. As regarded heriots and arbitrary fines, the abolition of them could not be too much facilitated; and any measure which would carry into effect more satisfactorily the law as it at present stood with regard to those subjects, would meet with his strongest support. Feeling as he did that the emancipation of copyholds, and the conversion of them into freeholds, would be a great public benefit, his objection to this Bill was, not that it would enfranchise copyholds, but that it was done in a compulsory, and that in a very disagreeable manner. It was said, that by this Bill there was no compulsory enfranchisement until admittance was necessary. But take a man with a small property—he would rather have a burden attending the enfranchisement fall on himself than upon his family after his death. Take the case, of which there were thousands in the country, of an ordinary copyhold farm at 10*l.* a year. The man who held it was perfectly contented with his tenure. He wanted to do nothing with it which he could not do as well with a copyhold as with a freehold. If he was forced to enfranchise his copyhold, he would have to pay the lord's fine, the fine to the steward, and his share of the expenses of the enfranchisement. In many cases the expenses would be more than the value of the property, and then the man's widow would be houseless. Suppose the money to be paid were raised by way of mortgage, or suppose it paid by a rent charge. If it was paid by mortgage, the party was subject to foreclosure; and if it was by rentcharge, it would probably amount to more than the rent of the property; and the consideration in many cases would exceed its value as a freehold. If he (the Lord Chancellor) had to choose between a compulsory general enfranchisement that should take place, whether the landlord or the tenant wished for it or not, and this Bill, he would prefer the compulsory enfranchisement. This Bill put the lord and the tenant in a disagreeable position. They would each have to watch the other in order to compel one another to enfranchise, and they would take every advantage of each other. Now, at present, he believed that enfranchisement was going on much more rapidly than his noble and learned Friend supposed, without the assistance either of the Commissioners or of the Act of Parliament. In times of prosperity, when money was plentiful, it progressed of course much more rapidly than at other times; but by this Bill the poor copyholders might be forced to buy at a disadvantageous moment. The lord might be compelled to enfranchise his good tenants, and the small ones might refuse, and be left on his hands; and he would ultimately be compelled in self-defence to force the poor cottagers to enfranchise their copyholds. Those evils were inseparable from a measure of this sort, though they did not attach to a general compulsory measure. At present the lord had as much right to the property in mines as the tenant had to the surface of the soil, and this Bill did not provide any means to enable the lord to get at the mines after the enfranchisement of the copyhold. He had made these few observations, not as wishing to obstruct the passing of the measure, in order to point out the difficulties of this subject; and he doubted the propriety of passing such a stringent measure as this without an urgent necessity. He should not oppose the second reading of the Bill; but as he thought it ought to be well considered, he should recommend its being referred to a Select Committee, there to be considered, as it ought to be, clause by clause, in order that their Lordships might understand upon what they were legislating. He could not say that this Bill was one which could be safely passed at once. It might be said, that referring it to a Select Committee would be to send it over the present Session. He had no such object, and he did not see why that should be the result; but even if that should be the necessary consequence of sending it to a Select Committee, he would think that a much less evil than, by legislating hastily, to break in upon the rights of property, as he considered the Bill in its present shape was calculated to do,

Lord CAMPBELL said, he had hoped that this Bill was of such a nature as to have obtained the cordial support of the Government; and that with the general concurrence of their Lordships it would have passed its second reading, and before the conclusion of the present Session have become the law of the land. But that hope had been dispelled by the speech which he had just heard from the noble and learned Lord on the woolsack. That speech was cheered by the noble Earl the Lord Privy Seal, and he feared was approved of by the rest of the Ministers. He had hoped that when the noble Earl on the cross-benches (the Earl of Ellesmere) withdrew his notice of Motion to send the Bill to a Select Committee, the second reading would have received the cordial support of the Government; but he was now afraid that they doomed it to destruction. This not only grieved but surprised him; because in the other House of Parliament this Bill was supported by Her Majesty's Government. The Home Secretary was not only a great statesman, but a great lawyer, and a consummate jurist; and if he (Lord Campbell) was not grossly misinformed, that right hon. Gentleman approved of the measure, although he considered it a compromise, and he undertook that it should receive the support of the Government. After that understanding, the Bill had now come before their Lordships' House, and the Lord Chancellor delivered a speech against it, in which he greatly mitigated all the evils arising out of copyhold tenure, and impugned the principle of the Bill as well as its details. If the Bill was such as his noble and learned Friend on the woolsack had described it, the proper mode of proceeding would have been for his noble and learned Friend to have moved that it should be read a second time that day three months; his noble and learned Friend would have done much better if he had concluded his speech with such a Motion, rather than by proposing that it should be referred to a Select Committee. He was grieved that the Bill was likely to be defeated. He (Lord Campbell) imagined this Bill would have been one of the measures of reform which were to reflect credit on the present Government; he thought it might have been one of the topics on which they might have gone to the country. His noble and learned Friend on the woolsack had referred to the difficulties which stood in the way of the lord of a manor dealing with the minerals under a copyhold estate. To those difficulties he might have added others, which were incident to timber; for as the law at present stood the timber on land of copyhold tenure could be cut down neither by the lord nor by the tenant; and there was a saying in England that the oak was too noble a tree to grow on servile soil. Nor were those the only inconveniences arising out of copyhold tenure. In almost every manor there was a particular code of laws by which the copyholders of the manor were governed—for example, in almost every manor a particular rule of succession was adopted. In some it was the custom that the eldest son succeeded to the whole of the customary lands; in others the custom of gavelkind obtained, and then all the sons succeeded alike; in others, again, the custom of borough-English prevailed, and then the youngest son became the heir to the exclusion of the eldest. It had given him pleasure to hear from his noble and learned Friend on the woolsack a recognition of the value of the system of registration with respect to the deeds under which copyhold lands were holden: now this Bill did not propose to deprive the copyholder of that benefit; and he hoped before another year passed away that another claim which the Government would have to the gratitude of the country for the desire to pass useful measures of legal reform, would rest on the establishment of a general system of registration for deeds. According to the principles of the noble and learned Lord on the woolsack, this tenure was to be perpetuated, for it was idle to suppose that it would be abolished before many generations or many centuries merely by voluntary enfranchisements. The noble and learned Lord complained that the Bill did not go far enough, and said he would rather prefer that there should be a compulsory power given at once to enfranchise copyholds in all the manors in England. He (Lord Campbell) should be glad to see that carried into effect; but he could understand cases of hardship arising from the carrying out of such a sweeping measure of compulsory enfranchisement which would make him recoil from its adoption. Perhaps the Bill now under consideration might in some instances result in hardship; but, as a general rule, he believed its operation would be beneficial both to the lord and to the tenant. His firm belief was, that by allowing the Bill to have a compulsory operation on the two occasions of death and alienation, no evil would accrue, and much benefit would arise. If the admission was in consequence of the death of the former tenant, the money for enfranchisement would easily be raised on mortgage; and in case of a sale, the effect of the enfranchisement would be to enhance the price. If, on a trial, the compulsory power given by the Bill was found ineffectual, then his noble and learned Friend might come down in a subsequent Session of Parliament, and propose a measure which might compel the lord and the tenant to enfranchise all the copyholds in England. But he (Lord Campbell) repeated his belief that the present Bill, which merely allowed compulsory enfranchisement on the occasions of death and alienation, would have a beneficial operation. The present was an opportunity of making a great step in the right direction—of making copyhold enfranchisement compulsory on the two occasions he had mentioned, which might be done with perfect safety and advantage; and if it should afterwards be found by his noble and learned Friend that there were copyhold tenures which it would be disadvantageous to retain, his noble and learned Friend might then come to that House with a sweeping measure for their abolition. He (Lord Campbell) was not prepared at present to assent to a measure so strong; but he thought the one now under consideration might be safely adopted, and he hoped their Lordships would give their consent to its second reading.

The Duke of CLEVELAND said, that his opinion had been for a considerable time that some such measure as that before their Lordships was absolutely essential. He had come to that conclusion from the various discussions he had heard in that House upon the subject. He referred particularly to the time when the late Lord Cottenham brought forward a measure of this kind, and when that noble and learned Lord made a statement so admirably clear and lucid as to render the subject perfectly intelligible to the humblest intellect. With regard to this measure, he (the Duke of Cleveland) thought it would be allowed on all hands that it was desirable to get rid of the old feudal system of copyhold tenure. It tended to create a number of endless disputes, heartburnings, and bickerings, which would at once cease if copyhold property was enfranchised, not suddenly or abruptly, but by degrees and in the course of time. In some manors heriots and similar burdens were easily compounded for; but as there were good landlords and bad landlords, so there were good lords of manors and bad lords. Their Lordships had heard one case where a racehorse that had won the Derby, and was worth 4,000*l.*, had been taken as a heriot. One serious evil, among others incident to copyholds, was, that in different counties different customs obtained. With regard to minerals, for example, in which he was interested, in the two counties of Durham and Staffordshire the custom differed materially. In Durham the lord of the manor had a right to break the soil of the copyhold property, and to work the mines underneath; but in Staffordshire he had no such right. In former Bills voluntary enfranchisement only was provided for; but he had no hesitation in saying that without some compulsory clause it would be impossible to carry out the objects of this measure. In his opinion it was most desirable that the Bill should be read a second time. He gave no opinion as to referring it to a Select Committee; he only was anxious not to endanger its progress through the House this Session.

Lord BEAUMONT had listened with much regret to the speech of the noble and learned Lord on the woolsack, because he understood the noble and learned Lord to be opposed to the principle of the Bill; and he must say he was surprised, after listening to that speech, to find that the noble and learned Lord adopted its principle by suggesting that it should be referred to a Select Committee. To that recommendation, however, he (Lord Beaumont) had no objection whatever, inasmuch as from a careful examination of the subject, and a minute perusal of the Bill, he thought it was in such a state as to require the revision of a Committee. He now rose merely to appeal to Her Majesty's Government, who he supposed intended to support the course marked out by the Lord Chancellor, that they should send the measure to a Committee with the sincere intention of endeavouring to make the Bill practicable, and passing it into a law in the present Session.

The Duke of BUCCLEUCH admitted there were many grievances in the present system of copyhold tenure, which he was anxious to see removed; but he wished it to be done in a proper and an equitable manner. The grievances in the case of heriots and fines arbitrary were very great, and operated to prevent the copyholders from effecting improvements on the land. But upon looking over the Bill, which he had done with the advantage of professional assistance, he must say he thought its tendency was more likely to produce suffering among the smaller copyholders, than to give them any effectual relief. To send it to a Select Committee was, therefore, in his opinion, the best and only way in which to treat it. He was always excessively jealous of Bills professing to deal with the property of the country which emanated from private hands, though the authors of them were, no doubt, actuated by a laudable desire to improve the law. Measures of such importance he should like to come stamped with the authority and responsibility of the law officers of the Crown. He deprecated giving rise to any claptrap about the House of Lords not passing the Bill; but he was satisfied that the Bill in its present state was not in a fit state to pass. He, therefore, supported its being sent to a Select Committee.

After a few words from the Earl of Powis,

Lord CRANWORTH expressed his apprehension that sending the Bill to a Select Committee practically meant that it should not become law this Session. If he thought the result would be otherwise, he should rejoice at the Bill going before a

Committee, as his ardent wish was that the measure should become law in the most perfect state possible.

On Question, *Resolved* in the *Affirmative.*

Bill read 2ª accordingly.

The LORD CHANCELLOR moved that the Bill be sent to a Select Committee. As his noble and learned Friend (Lord Cranworth) had expressed some alarm lest the effect of sending the measure to a Select Committee would be to prevent its passing during the present Session, he hoped he would give him credit for stating that he had no such object; and on the part of Her Majesty's Government he might state that they had no such object, but that they would go into the Committee with the determination to give the measure their best attention, and to render their honest assistance in carrying it into effect.

LORD CAMPBELL was, generally speaking, favourable to Bills of this nature being sent to a Select Committee; but, under all the circumstances of the case, to send the present measure to a Committee would, he feared, prove a delusion. The state of the Session, and various other considerations, induced him to believe that the effect would be to give the measure its *quietus.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 25, 1852.

MAYNOOTH COLLEGE—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question [11th May], "That a Select Committee be appointed, to inquire into the system of Education carried on at the College of Maynooth:"—(*Mr. Spooner:*) —And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "this House will resolve into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes"—(*Mr. Anstey*)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

House *resumed.*

MR. SERJEANT MURPHY said, he rose for the purpose of opposing the Motion of the hon. Member for North Warwickshire (Mr. Spooner), and he trusted that in doing so the House would not misunderstand his motives. He was not in the slightest degree adverse to an inquiry of the most searching kind into the discipline, the education, and the conduct pursued in the College of Maynooth. He believed that if there were such an inquiry—and the more stringent, if possible, the better—it would only redound to the credit of the college, and show that the modes of education there adopted, the discipline there practised, and the habits of the professors and students, were in perfect conformity with the objects for which the institution was originally founded. He believed most sincerely that that inquiry, so far from reflecting discredit upon the institution, would prove that in every respect it had answered its purpose, and that the conclusion of the inquiry would be to satisfy every fair, reasonable, and dispassionate person that, instead of being amenable to the charge which had been made against it by the hon. Member—namely, that it was an institution in which doctrines were taught that were subversive of morality, and adverse to allegiance to the Sovereign, it upheld the truest allegiance to Her Majesty, and inculcated doctrines which were consonant with the highest virtue and the purest morality. Of that he was convinced. He might be asked, then, why it was that, with that conviction so strong upon his mind, he was opposed to the inquiry suggested by the hon. Member. There were many reasons. He objected to it because it was not an inquiry suggested in good faith—because he believed the hon. Member and those who supported him in this matter, did not come forward entertaining any doubt as to the system of education pursued in the college—because there was, as he would show in the sequel, ample light already thrown upon the subject, and ample information given to the public to satisfy every reasonable mind—but because the Motion itself was suggested by a mean spirit of retaliation upon the Roman Catholics of this country and of Ireland generally, in connexion with recent matters; and that in point of fact there was no necessity for the inquiry, because the results of inquiry were full in the face of the country at that moment. Why did he say that the inquiry was not proposed in good faith? When the hon. Member first gave notice of a Motion upon the subject of Maynooth, he directed it absolutely against the grant, and for some time the Motion remained upon the notice paper in that form. On or about the 23rd of February the hon. Gentleman, without altering the form of his notice, appended another form of notice, which was for an inquiry; but at the time he did so he did not expunge the notice with regard to the grant. Shortly afterwards Her Majesty's present Government came into power, and then—he did not know how it was, whether or not it was found more convenient for the new Government that the original form of notice should be expunged; but so it was—that notice was expunged, and the notice for an inquiry was left standing upon the paper alone. In proof of his (Mr. Serjeant Murphy's) statement, that an inquiry, as the Motion now stood, was superfluous, he would refer to a document which the House had in its own possession, which had been printed by its own sanction, and which would conclusively show it to be useless, and that every object which an inquiry could embrace had already been most particularly investigated and inquired into. The document to which he referred was the Report of the Commissioners of Education, bearing date in the year 1827, and it was drawn up by gentlemen who were most competent to form a judgment as to the inquiry they were pursuing. They were men of the very highest character, trusted by this House, and combined every shade of opinion in politics. They were Mr. Frankland Lewis, the late Mr. Leslie Foster, well known for his strong Protestant leanings in Ireland, a most distinguished and enlightened gentleman, in every respect capable of investigating the doctrines and tenets of, and the differences between, the two religions—a Mr. Grant, a Mr. Clasper, who was a Presbyterian, and Mr. Blake, the late Chief Remembrancer in Ireland, well known to many individuals in this House, a Roman Catholic, who had been a practitioner at the Chancery bar in this country, and a man of great intelligence. The inquiry entered upon by those Commissioners was not that which had been suggested by the Home Secretary—a mere passing and transitory inquiry, having for its object only certain small points of discipline and conduct. It was not an inquiry that was slurred or skimmed over in order that a meagre report might be presented to Parliament with regard to the discipline of the college. It embraced the whole field of speculation and controversy, the differences between the Church of England and the Church of Rome, and all those matters which Mr. Spooner supposed were essential points of the teaching at Maynooth, and which, according to the hon. Member's doctrine, instigated immorality and a want of religious principle. The Commissioners stated in their Report that they had inquired into the doctrines taught at Maynooth respecting oaths and vows; and he believed a considerable portion of the hon. Member's speech was devoted to that as one of the subjects into which an inquiry ought to be instituted. They inquired into the several cases in which oaths and vows were either held to be null from the beginning, or ceased to be binding. The extent of the power of dispensation from such obligation claimed by the Pope and the Roman Catholic Bishops—the views which were entertained respecting the oaths and declarations of allegiance required from Roman Catholics by the law—the nature of what were usually termed the "Gallican liberties," and how far the principle of those liberties was adopted or rejected at Maynooth—the nature of the distinction between those which were known by the name of Ultramontane and Cisalpine doctrines, and how far either were inculcated at the college—the views taught or entertained respecting the jurisdiction, authority, and infallibility of the Pope—the authority attributed to the Pope's bulls—the decrees of General Councils—the meaning and import of some of the most remarkable bulls, and the boundaries which were held to separate spiritual from temporal matters. They examined the professor of canon law in the college as to the maxims of that law upon a variety of important subjects, and how far the canon law of Rome was considered to be binding in Ireland. And in connexion with different topics arising in the course of their inquiry, they likewise considered the class books which were used in the college, and sought information as to the views entertained, taught, or inculcated by the professors, to whom it more particularly appertained to form the opinions of the students, respecting the authority, character, and rights of the Established Church. Having thus read to the House the programme of the several subjects which were on that occasion thoroughly investigated, he maintained that if inquiry were now the sole object, that object had already been fully satisfied; and that hon. Members opposite, instead of asking the House again to appoint a Committee of Inquiry, might content themselves with simply moving the reprinting of the report which was then issued. Such a reprint would satisfy every candid mind with regard to the state of the institution, at least up to the year 1827; and he could demonstrate that, from that period to the present hour, no change whatever had taken place in the system of instruction at Maynooth. He now came to another reason for resisting the inquiry, which was well expressed in the supplemental notice given by his hon. Friend the Member for Kerry (Mr. H. Herbert) which was as follows:—

> "That whereas the elected visitors and the five visitors appointed by Her Majesty are bound to visit the College of Maynooth once within every twelve months, have full power to call before them the president, vice-president, professors, tutors, and all other members of the establishment, and to inquire into the government, management, and discipline of the said college; and whereas the Lord Lieutenant or other chief Governor of Ireland has authority to order such additional visitation as may seem to him necessary, any inquiry by a Parliamentary Committee is not only superfluous and unnecessary, but will have a tendency to create distrust in the minds of the people of Ireland as to the intentions of the Legislature with regard to the continuance of a grant guaranteed by Act of Parliament, and will foster and encourage a spirit of religious bitterness among different classes of Her Majesty's subjects in that part of the United Kingdom."

He perfectly assented to that statement, which, indeed, in his opinion, was most pregnant, and afforded a full and pertinent answer to the present Motion. It cut the knot of the inquiry—went to the root of it at once, and gave the full and pertinent answer to the Motion. The right hon. Secretary for the Home Department, in dealing with this inquiry the other night, appeared to have altogether misconceived it. He (Mr. Serjeant Murphy) believed him to be too candid a man, and knew him to be too honourable a man, to make any statement which he did not really believe; but the right hon. Gentleman, when he spoke upon the subject of this inquiry, alluded simply to the annual inquiry, and not to the inquiry which the Act empowered the Lord Lieutenant to carry out in an extraordinary emergency. The 15th Section of the Act directed a visitation to be held once in every year; but the 16th Section went further, and directed—

> "That, in addition to such periodical or ordinary visitation, the visitors by this Act appointed, or any three of them, shall in like manner visit the said college whensoever and so often as they shall be thereunto required by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, by warrant or order signed by him or them."

MR. WALPOLE: They are only the same powers as at the ordinary visitation. The words are, "in like manner."

MR. SERJEANT MURPHY: But the right hon. Gentleman would allow him to call his attention to the 18th Section of the Act, which gave visitatorial powers in matters of religion. True, those powers were confined to visitors who were members of the Roman Catholic persuasion; but he hoped there was no man in this House, not even including the hon. Member for North Warwickshire himself, who would have the meanness to say that men holding the high position which those individuals did who were the Roman Catholic visitors of the college, if anything were brought before them as such visitors, in matters of religion, to show that the teaching of the professors was either subversive of the original institution of the seminary, or subversive of the allegiance due to the Sovereign, or the morality of Christianity, would shrink in the least degree from exposing it. He said, therefore, that within the Act itself there was every requirement that was necessary for conducting an investigation; and that everything that was done *ultra* by a Committee of this House would be not only useless, but would be the work of a body which, from its peculiar character, was not formed to enter into any investigation of the sort. He believed there was a Commission at present sitting under the direction of the Crown for the purpose of inquiring into the condition of the Universities of Oxford and Cambridge. He did not know much of the circumstances connected with that Commission; but he believed that the Crown in issuing it had been guided by one honest and upright principle, and that was, that there should be no pre-judgment. He had no doubt that care had been taken that the parties who conducted the investigation should be persons selected alike from those who were interested in upholding the Universities in question on their present footing, and those who held the opposite opinion, that there should be a proper balance of opinion among them, as well as that they should be men of collegiate habits, whose characters and attainments would afford a guarantee that, whatever conclusion they might arrive at, the result would be satisfactory to the country. If, then, an inquiry into the College of Maynooth should be thought to be necessary, why should it not be an inquiry similar to that which was made into the cases of Oxford and Cambridge, instead of an inquiry by a Committee of the House of Commons? He meant no disrespect to Committees of that House; but they all knew how such Committees were usually constituted, and that, however willing the House might be to place them upon an impartial footing, personal, political, and partial feelings were certain to intrude themselves. He believed he only paid a merited compliment to the hon. Member for North Warwickshire in supposing that if he obtained the Committee for which he asked, he was too good a Protestant to put upon that Committee a preponderance of Members in favour of Roman Catholicism. He maintained, therefore, that the machinery which had been suggested for the purpose of inquiry by the hon. Member for North Warwickshire was a machinery improper and inadequate; that it was not calculated to accomplish the desired object of revealing the truth; and that any report which might be made by a Committee so constituted, would go forth to the public lacking the sanction of that calmness and impartiality which was necessary in such a case. He would not allude, except in passing, to the curious fact that the inquiry had not been proposed till the very close of the Session, when it was impossible to go into it; but he would ask, who could believe that the hon. Member for North Warwickshire had a *bonâ fide* object in view in proposing that inquiry, when he had allowed his Motion, like a wounded snake, to "drag its slow length along" from the 10th of February to the present hour, without even a sting in its tail? The fact was—and he said it without fear of contradiction—that the inquiry had been suggested for the sake of political capital, which it was calculated to achieve in certain quarters. He could conceive the hon. Member for North Warwickshire being conscientiously opposed to the grant. He gave him credit for the same conscientious feeling which he claimed for himself; but he must say that it appeared to him that the real objects of the hon. Member and those who had taken the course of suggesting inquiry, was not merely inquiry, but, as had indeed been openly avowed by the noble Lord the Member for Woodstock (the Marquess of Blandford), their object was the entire abrogation of the grant. The hon. Member and his friends had committed a great mistake in the premises on which they had argued. They had chosen throughout to assume that the teaching of the doctrines of the Roman Catholic Church formed no part of the original objects of the institution of Maynooth. It was quite obvious that they must have done so, because the examples of the kind of teaching at Maynooth which had been brought forward as grounds for the inquiry, had all been taken from books which embraced the tenets of the Roman Catholic Church. He did not mean to say that all that the hon. Member had stated was true; for certain casuistical views had been suggested in which he could not agree, and which, in his opinion, were repugnant alike to the morality and religion taught by the Roman Catholic Church; but what he meant to say was, that the hon. Member's arguments, although nominally urged in support of an inquiry, were in reality directed against the grant, simply because the teaching at Maynooth was the teaching of the Roman Catholic faith. If the House, however, would only carry their minds back for a moment to the original institution of the College of Maynooth, he would undertake to demonstrate to any dispassionate mind that in no degree had that college swerved from the objects for which it was originally instituted. It would be remembered that just before the institution of the College of Maynooth, there was a relaxation of the penal laws of Ireland, and that the free exercise of their religion was henceforth guaranteed to the Roman Catholics. It was notorious that up to that time there was a lack of the means of education for the Irish priesthood within the country itself, and that consequently the students were obliged to seek a precarious education where they liked—in France, Italy, Belgium, Spain, and Portugal. It was then suggested, that in order that the licence and freedom which had been conceded to the Roman Catholics should have their proper front and consequence, a new restriction should be imposed upon them, though in the shape of a boon, and that was that their priesthood should be educated at home. But was it ever suggested that education should be other than an education in the tenets of the Roman Catholic religion? Or was there any mystery as to what those tenets were? Never. The grounds of controversy between the Roman Catholic and

Protestant Churches had, ever since the Reformation, been thrown open to all the world; and, with that open book and the fullest means of inquiry before them, the Legislature agreed to the establishment of the College of Maynooth. He thought he could show that the system of teaching at Maynooth had utterly repudiated the so-called Ultramontane doctrines which it was now so much the fashion to decry. The original teachers at Maynooth were two French gentlemen, who were Doctors of the Sorbonne; and it was well known that there was a great distinction between the Cisalpine doctrines taught in France, and the Ultramontane doctrines taught in Italy. The system of teaching at Maynooth had, from its very origin, received the Cisalpine impress, and he would undertake to show that no Ultramontanism that had since entered into Ireland had had any connexion whatever with Maynooth. Having stated what the original institution of Maynooth was, he would now call their attention to the change which had taken place in that institution—he meant the change that had been introduced by the late Sir Robert Peel, when he increased the grant, and impressed the character of permanence on the grant, which had hitherto been annual and uncertain. Now every one that was at all acquainted with the character of the late Sir Robert Peel knew this—that however slow he might have been in approaching questions of reform, there never was a reformer, when he had adopted the principle, of a more searching or comprehensive character. That great statesman had before him the investigation that was made into the practices of the college in 1827—he had before him all the modes of inquiry that had been suggested from year to year by the visitors of the institution, amongst whom were men of the highest promise and station. He had before him every means of access as to the mode of teaching adopted by the College. Under these circumstances, did not the House think that if the mode of teaching practised at Maynooth, at least up to 1845, had not been well known to the late right hon. Baronet, that he would have instituted a searching inquiry on the subject before he proposed a measure by which the grant to Maynooth was not only to be made permanent, but considerably increased? Would he not have insisted that a Commission of Inquiry should be issued to ascertain whether that teaching was in conformity with religion and morality? Was not this fact that no such inquiry was instituted, no such Commission issued, a sufficient answer to the charges made with such spiritual unction by the hon. Member for North Warwickshire? If a man like the late Sir Robert Peel, who was so well known for his great caution as a statesman, for his grasping intellect and exalted character—if he were satisfied as to the kind of teaching practised at Maynooth—if he who had the courage to throw over his prejudices when he found that they ran counter to the well-being of society—were willing to admit that the principles inculcated at Maynooth were not of a character dangerous to the morals and the institutions of the country—surely it ought to satisfy even the prejudices of the hon. Member for North Warwickshire, that up to that time, at all events, no such charges as he had brought against Maynooth, could be fairly made. He (Mr. Serjt. Murphy) fearlessly appealed to any candid mind whether if there was any ground for such charges being made against the College, they should not have been brought forward at the time when the late Sir Robert Peel had proposed his measure. He contended, therefore, that up to 1845, there had been no infringement of discipline, or of religion, or of morality, alleged against the Roman Catholic College of Maynooth. If he might appeal from the memory of a great man dead to the professions of a great man living, he would fearlessly appeal from the late Sir Robert Peel in his grave, to the Earl of Derby in his place in the House of Lords, and he asked the House why, if such charges were well founded, that eminent statesman, who had the same Bill under his consideration—who had adopted the whole measure then suggested by the late Sir Robert Peel—who was armed with that practical knowledge which he had so recently before acquired as Chief Secretary for Ireland—had not known that Maynooth was amenable to such accusations? If the noble Earl believed in any one of these calumnies, it was his duty to have opposed the passing of that measure; but, on the contrary, having actually assisted in the carrying of it, he (Mr. Serjt. Murphy), always giving his Lordship credit for believing in his conscience everything he states, and for being a highminded straightforward man in everything, he had no hesitation in saying that that distingushed man did not believe one word of it. So far he was dealing with a state of things up to the year 1845. The right hon. Gentleman the Home Secretary (Mr. Walpole) stated that in his judgment the conduct of the priests since 1845 was that particularly to which the inquiry should be dedicated—that that deluge of abuse and of opposition to the Government of this country, which the priests of Ireland have been in the habit of pouring out for the last few years called for this inquiry. Now to that statement he (Mr. Serjt. Murphy) thought that a most conclusive answer could be given. He was certain that any person who was acquainted with the subject would agree with him that the answer he was about to give to this statement would be conclusive. The *curriculum* of education in the College of Maynooth requires a period of eight years to be devoted to it. From the time a young man goes in to receive instruction in Humanities and in Latin and Greek, until he goes forth to the world an ardent priest, he must give up eight years of his life. The grant was not made until 1845, and did not come into operation until 1846. Six years had not elapsed since that time. He would undertake to say that since this measure was passed, not a single Roman Catholic priest, educated in Maynooth, had ever been found participating in what were called Ultramontane principles. He challenged the most searching inquiry upon this head. The right hon. Gentleman the Home Secretary said that this inquiry might probably turn out for our benefit. He would ask that right hon. Gentleman to say, in the name of the Government, whether he was prepared to uphold this grant in its integrity, if it be found that the inquiry had turned out for the benefit of the college? The Protestants of Ireland, as well as England, wished to be informed of the ultimate intentions of the Government in respect to this grant. This was one of the questions upon which the Government were going to the country. As to the question of protection, after what had been said by the Prime Minister in another place last evening, it must be admitted that it was thrown helplessly to the winds. There was not the slightest chance of resuscitating it. Well, then, they were going to the election with the words "Protestant" and "No Maynooth grant" upon their banners. If he satisfied them upon full inquiry—if the Committee or Commission to be appointed was satisfied—that Maynooth, being originally a Catholic college, and acting in conformity to those original principles which as a Roman Catholic institution it teaches—that those principles are now precisely the same as when the institution was originally founded, that it has never taught any other, that it has never deflected from them, he would ask them, under such circumstances, were they prepared to uphold the grant? Had they even made this an open question amongst them? He wanted plain speaking upon this point; let them have no mistake upon the matter; he did not want to enter into this inquiry upon the principle of "heads I win, tails you lose." He did not want to have one system in Liverpool, and another in Suffolk. He wanted to hear the outspoken and candid voice of the Cabinet. Let them then answer the question. If the inquiry turns out satisfactory—if Maynooth has never swerved from its original objects, are they prepared to withhold the grant? This was an inquiry which the country demanded, and the country would not feel satisfied unless it was fully answered. The country will not be content to know, on the one hand, that the Home Secretary tells them the inquiry is necessary; and, on the other, the Prime Minister should say that it was not necessary for the present. He wanted to know exactly the reasons assigned by the Government in that House for making an alteration in the grant. How was it, he would ask, that there had recently been in the Protestant mind of this country so strong a wish to withdraw the grant from Maynooth? He thought he could show upon fair grounds of reasoning, that there was no connexion whatever with the desire to get rid of this grant and the actual teaching at the College of Maynooth. On looking back to the state of Ireland in 1848—a state which he deeply lamented at the time, though he was not there to pronounce an opinion on the character or the intentions of the unfortunate men who took a prominent part in that insurrection; indeed, he might here observe, that he believed them to be honourable, upright and sincere in their proceedings on that occasion, and he thought it would have been but a graceful act upon the part of the Government to have acquiesced in the proposition recently made them for a general amnesty—but whatever might have been the consequences of that movement, he could only hazard an opinion as to its effects upon the country. He believed that there never was a moment in which all the prognostications of civil war were more strongly defined. They ought to recollect that, in that year of 1848, they had concentrated in Ireland about 50,000 of Her Majesty's troops, over which was placed a man of high distinction in the army of his country, to direct their operations. It was true that it resulted in no bloodshed; but he should like to know to whom they were mainly indebted for such a termination? One of the suggestions which had been thrown out here in support of the present Motion was this—that the worst feature of the relations which existed between the priests and parishioners in Ireland was, that their spiritual influence was so strong over them as to give them an overwhelming authority in the mind of the laity under every circumstance. Now, for argument sake, he would assume this to be correct, although he could deny it from his own personal knowledge. Well, then, what was the peculiar feature in the country at that time? It had not quite recovered from that awful visitation of famine, which had desolated the people. Death and misery had done their work; there was discontent throughout the length and breadth of the land—he might say that the country was at the very edge of a frightful conflagration, if there was one found bold enough to light the match. Well, then, who stood between the Government and bloodshed? They were on the very verge of a civil war, and a dreadful internecine struggle. Who, however, prevented it? Why, the Roman Catholic priesthood of Ireland. For evidence of this fact, he need go no further than the statement made by the late Viceroy of Ireland. He had also before him the answer given by Her Majesty's present Viceroy to the deputation that recently waited upon him with a memorial, praying Her Majesty's pardon towards those unhappy men who were now suffering in exile for the part they had taken in the proceedings of 1848. He would read an extract of that answer, for the purpose of showing additional evidence of the fact to which he referred:—

> "The total failure of the designs to excite a general insurrection in Ireland, has probably veiled the heinousness of the guilt of those by whom they were projected, and I have no doubt that many who now advocate their pardon would turn from them with abhorrence, had not the civil strife and bloodshed which they meditated been prevented by the defensive measures of the Government, and the general loyalty of Her Majesty's subjects."

And here were the people of Ireland, who they were told were taught to be disloyal by their priests, characterised by Her Majesty's representative in that country as being a loyal body. The Lord Lieutenant of Ireland here says, that if it had not been for the general loyalty of the inhabitants of Ireland, the country on that occasion would have been steeped in blood. He asked whether this was not a good answer to the accusations made by the hon. Member for North Warwickshire, when he said that the institution of Maynooth was calculated to create disaffection and a want of allegiance in the minds of the Catholic people towards their Sovereign? After the year 1848, he found that the country was reduced to a state of quiescence, and that the people of Ireland had been frequently spoken of in terms of admiration for their conduct under circumstances of great privation, by distinguished persons in this House and this country. There was then an harmonious action existing between the Viceroy of Ireland and his Government, as well as with all classes of the population, including the Roman Catholic priesthood; and he ventured to assert that up to this hour the same harmony would have been manifest, had it not been for the unfortunate kind of legislation that had been adopted towards the religion of the people, and for what he might call the unfortunate letter of the noble Lord lately at the head of the Government. He recollected on that occasion—and those who talked of the Irish priests as being Ultramontane in principle should recollect—that when the Government instituted a system of legislation for the purpose of repressing what they called the Papal encroachment, they, the Members from Ireland of the Roman Catholic persuasion particularly, did feebly, but firmly, raise their voices against such legislation. They said that, whatever innovations had taken place in the ecclesiastical structure of their Church in England, Ireland, at all events, was no party to it. The titles of their hierarchy in Ireland were already known and recognised in legal documents. Why then, they asked, did they apply their legislation in this respect to Ireland, when no infringement had been made on the part of the Roman Catholics upon the temporal prerogatives of the Sovereign? Did they recollect the answer that was given to such an inquiry? The answer did not come from the noble Lord the Member for London, who was the originator of the proposition, but an answer was given which was acquiesced in by Members from both sides of the House. That answer was urged by the right hon. the Secretary for the Home Department, as well as by Her Majesty's present Attorney General. What was that answer which they got? They said that the measure must apply to Ireland for the protection of Ireland herself; that her own privileges had been violated; that they had been in the habit of sending three names to Rome as nominations of vacancies occurring amongst her hierarchy; and that by the course pursued by the Court of Rome in a late instance, the Roman Catholics of Ireland had been prevented from exercising privileges they formerly possessed. Ireland sent three names, but none of them were selected. Dr. Cullen, the Ultramontane priest, as he was called, was nominated in their stead. They should recollect that Dr. Cullen was not a Maynooth priest; and he it was who had introduced those matters to which you are so hostile. If "an Italian monk," as he is termed, educated in Rome, if he had subverted the old liberties of the Irish Church, if he be imbued with what are called Ultramontane principles, was that, he (Mr. Serjeant Murphy) asked, an argument for depriving Maynooth of that grant which had been given to her upon the faith of permanency; and were the students that had hitherto been educated in that college to be compelled to go to Italy for the purpose of receiving those advantages? If such be the case, all he could say was, that it was a most extraordinary mode of reasoning, and it appeared to him to be acting upon that principle involved in the vulgar adage of "cutting off one's nose to vex one's face." It was most singular that, because a man was educated in Italy, he should have such an extraordinary power of infusing amongst the people with whom he is surrounded, those Ultramontane principles which appeared to excite in their minds so much horror. Such a principle, if acknowledged, would come to this, that, because an Italian monk had been elected as a member of the hierarchy of Ireland, the Government of the country would compel all the priesthood for the future to be educated by Italians. That was the most incongruous and inconclusive mode of reasoning which he had ever heard. He now came to what the Government had said upon this subject. One of the reasons urged by the right hon. the Home Secretary for interfering with the College of Maynooth was this, that, *pari passu* with the original grant given to that college, there was introduced into Ireland a new collegiate system of education; but that, inasmuch as the Synod of Thurles had interfered with this system, they could not view it in any other light than that the priests of Ireland had run counter to the original objects of the Government. Now, it was perfectly notorious that the rejection of the Colleges referred to turned upon the nicest point—upon one vote of a member of the Synod, who, in fact, was not a Bishop, but a vicar capitular, acting in the absence of a right rev. Prelate, who was unable to attend. He recollected having heard with great delight the speech of the noble Earl at present the head of the Government, in another place, in which speech he said that one of the objects nearest and dearest to his mind in establishing the National School system in Ireland was, that it should take the shape of the system pursued in the schools of this country, which was that it should act in perfect harmony and in conformity with the opinion of the clergy of all persuasions. But was it not notorious that the clergymen of the Established Church in Ireland, to the number of 1,200, had declared against the national system of education? Was it not notorious that the difficulty of the late Government in selecting a Bishop was to find some one in favour of that scheme? If this were the fact, then—if so many clergymen of the Established Church had set an example against the law—if it were acting against the law, why did some hon. Gentlemen look only at the mote in their neighbour's eye? But what were they saying now? That this College of Maynooth calls for extraordinary legislation simply because by a balanced vote at the Thurles Synod they did no more than issue an order that the deans of residence should withdraw themselves from the Government Colleges. There was another remark made in support of the present Motion which struck him as being most illusory. The right hon. Gentleman the Home Secretary said, that because the College was poorer, and the priesthood of Ireland, generally speaking, getting richer, inasmuch as they were contributing largely to swell the fund for a Catholic university, this grant was now no longer required. He should like to know where was the reason in that argument? They should recollect that the strongest motive supposed to influence men in the world was that deduced from selfishness. Parliament had given to the College of Maynooth, by the increase of the grant, comforts which they had been heretofore deprived of. It had given permanency to such grant, when before it was fluctuating. It gave them everything that was calculated to tie them to the Crown of this country. If the people of Maynooth were contributing to a fund for the erection of a distinct university, while their education there was dependent upon an eleemosynary grant of this House, it did appear to him to be the most extraordinary mode of conduct in the world. All the antecedents of Maynooth were opposed to such an idea. Any person who knew the College as well as he had done, for a period of thirty-five years, must admit that in the character of the institution, and in its professors, it is eminently Conservative. There was Dr. Everard, afterwards the Archbishop of Cashel, who was remarkable for his Conservative principles; there was Dr. Crolly, who had been President of Maynooth, and was subsequently connected with the Court of Lisbon—why, a stronger Tory or a more Conservative man he had never met; and though last, not least, there was a name that must be received with veneration by all persons—the late venerable Dr. Murray, the Roman Catholic Archbishop of Dublin, to whom the late Government had offered a seat in the Privy Council—this venerable prelate was also well known to be Conservative in his principles. Since the grant had been made permanent, he was not aware that any opposite feeling had been evinced. If they could find any of the professors of Maynooth upon the hustings or upon the platform—even in the old Catholic Association, or publicly urging on during that time the cause of Catholic emancipation—if they could find them entering into the discussions of the Tenant League Association, or of any of the questions that have occupied the public mind in Ireland, he would at once give up the question. But they could not put their finger upon one that had been mixed up with the agitation of any public question. Another statement had been made in support of the present Motion; and certainly if it were not that he had the greatest possible respect for the sincerity of the right hon. Gentleman the Secretary for the Home Department, he should be inclined to smile at it. The right hon. Gentleman said it was notorious that this institution had swerved from the original principles upon which it was established, because they were educating a set of foreign priests—that, in fact, the funds were diverted from a home education to the education of foreign priests. Now he was quite sure that if the right hon. Gentleman had taken advantage of his official position, and had instituted even the most meagre inquiry, he would have found that there was no foundation for such a statement except in the ranting ravings of the *Standard* and the *Warder* newspapers. Why, the fact was that even with the addition made to the grant, Maynooth had proved utterly insufficient to supply the wants of the Irish Catholic Church—there was a lack of machinery for enabling it to extend its operations over Ireland. And what was the consequence? Why, in the west of Ireland there were to be found persons taking advantage of its weakness in supplying a sufficiency of priests for that part of the country, and of the miserable condition into which the poor Irish Roman Catholics had been plunged, by travelling through those parts with a bible in one hand, and a loaf of bread in the other, in order to tempt the starving people into a declaration of Protestantism. He held in his hand a letter written by an Englishman and a Protestant, from the west of Ireland, addressed to the hon. Member for Middlesex, who had given him permission to read it to the House. It was dated the 8th of May, 1852:—

"Knowing the interest you take in the welfare of Ireland, I am induced to trouble you with the following statement of what I witnessed during a recent visit to the county of Galway, in the hope that your exposure in your place in Parliament of the atrocious system of proselytising now being carried on in that poverty-stricken district, through the instrumentality of the clergy of the Established Church, may have the effect of affording the starving population of the west of Ireland some protection against the dreadfully demoralising consequences certain to result from a continuance of the unholy and diabolical attempts now being made to take advantage of the destitution of the people for the purpose of inducing them to renounce their religion. The people, too, appear to be quite courteous and unsophisticated, eager for employment, and most grateful for the slightest encouragement; and the priests, whenever I questioned them, appeared to be incessantly engaged in the discharge of their spiritual duties; and I had frequent occasion to witness their zeal in the performance of their religious avocation, and the consequent respect in which they are deservedly held by their poverty-striken flocks; and they evidently share in the general destitution which unhappily afflicts the people of this ill-fated land. Is it to be wondered at, therefore, that the priest, who always appears to the people in the alternative form of a friend and benefactor, should exercise over them an influence so potent as to resist all the attempts made to sever it? To counteract this state of things, and to spread the benefits of the 'Reformation,' as it is called, the present Bishop of Tuam has for some time past carried on a war of proselytism against the people, or at least affords it his sanction and support; and as the regularly-ordained and educated ministers of the Established Church could not endure the privations and discomforts inseparable from a residence amongst the poor people and in the remote portions of the district, a band of missionaries, without knowledge or refinement of mind, and who are utterly unscrupulous as to the means used to make converts, have been ordained for the purpose of carrying on the unholy warfare, and, taking advantage of the state of utter destitution to which the unhappy people are reduced: they offer them bribes in the shape of clothes and food, to induce them to forsake their religion, and to send their children to the scriptural schools. In this manner the children of the poor are taken from the wretched abodes of their starving parents, who, being unable to afford them the necessary means of support, are literally forced to submit to an unwilling, and necessarily hypocritical, assent to the doctrines inculcated at those schools; and I venture fearlessly to assert that there is scarcely one among those so-called 'converts' who does not bitterly lament the dreadful necessity which compels him to submit, even for a time, to the social degradation and misery consequent on his pretending to become a "convert."

The letter was too long to be read entire to the House; but that sample of its quality would, he (Mr. Serjeant Murphy) was satisfied, suffice. Would any man venture to tell him, under these circumstances, that the statement of the right hon. the Home Secretary—namely, that the funds allotted to Maynooth for national purposes were alienated for the education of foreign priests—had any foundation in fact? It had no foundation, but in the fanatic head of some unhappy scribe of the Protestant party. Another statement of the right hon. Gentleman was equally singular: it was that there existed what Sir Robert Peel called "a formidable conspiracy" among the priests in Ireland as against the Government of this country, which it was the object of the Maynooth grant to counteract. He (Mr. Serjeant Murphy) wished that hon. Members, and right hon. Members also, before they talked of formidable conspiracies of this nature, had looked at home—had turned their eyes on the table of the House, and had seen the swarms of petitions from all parts of England and Scotland in reference to the subject, and to mark the language in which these petitions were couched, and the deep insults they conveyed to Her Majesty's Roman Catholic subjects in Ireland. It was almost too bad that those petitions should have been received by the House, and that the House had not been disgusted with their details. But as they had been received and printed by order of Parliament, he was justified in referring to one, at least, as an example of the manner in which the religion of a large portion of Her Majesty's subjects was alluded to; and before he had done, he would warrant that the House would come to the same conclusion as he had arrived at—that though there might be a formidable confederacy in the case, it was not a confederacy of the Irish priests as against the Government of this country, but a confederacy of the bigots of England and Scotland as against the existence of the Catholic religion in Ireland—that it was, in fact, an anti-Catholic movement, a conspiracy arising out of recent events in this country, a retort against Oxford, and the learned and pious men who had convulsed the English Church Establishment in searching for the truth upon which it was grounded, and who had many of them joined the Catholic Church. It was, in short, to retaliate against that movement that the Motion before the House was then suggested. The petition to which he referred came from Glasgow, and it described the Papal religion as "a most appalling corruption of Christianity." Was that language to be applied to the religion of a large body of Her Majesty's subjects? It then went on to describe it as a delusion, employed for the ruin of men's souls—to state that the liberties of Christ's Church were trampled under foot by the tyranny of a bigoted priesthood—and that the Roman Catholic doctrine was a denial of the Scriptures. These were the paltry charges brought against the religion of the Irish people by the second city in Scotland, which by the way had, he was informed, not fewer than 50,000 Irish inhabitants. This was the sort of harmony and good-will that existed in the nation which had built a Crystal Palace and invited foreigners from every end of the earth to witness the bitter intolerance with which they regarded their own brethren. Her Majesty's Government told the House—he (Mr. Serjt. Murphy) did not perceive the right hon. the Chancellor of the Exchequer in his place—that right hon. Gentleman was the apologist of his brother Ministers in this matter; but he must say that the conduct of Government in respect of this question, as in respect to that of Protection, seemed to be, playing fast and loose—they reminded him of the figures in the old Dutch clocks—one of which came out in fine weather, and the other in foul. He might, however, fancy the Chancellor of the Exchequer in Downing-street waited upon by a low Protestant, who might say to him, "We don't want inquiry. The people of England are rampant against these abominations. Mr. Spooner (whose very appearance is a personation of the acid bigotry of the country) and those who act with him, have loaded the table of the House with petitions against the abominations of this woman, whose capacity for sitting is so large." The Chancellor of the Exchequer, throwing back his coat in the blandest manner, would reply, "Why, you see, inquiry is only putting in the small end of the wedge. It will be an inquiry by a packed Committee, of course, for Spooner understands how to pack a Committee as well as anybody—and then down will go Maynooth." Then the right hon. Gentlemen might be visited by an hon. Member of the Oxford school, who might say, "Well, what am I to do? What will my Catholic constituents say?" "Oh!" the Chancellor of the Exchequer would reply, "never mind. Don't you hear what Walpole says? We are humbugging these fellows, as we are about Protection. Give us a majority and we'll send Protection to Old Scratch, and uphold Maynooth for ever." He (Mr. Serjeant Murphy) thought he was justified in this conclusion by what had already taken place. He had seen the Chancellor of the Exchequer on one night hugging the budget of his predecessor to his breast as if it were a very sprightly and engaging child, while the next morning he found the Solicitor General holding up the very same budget to public obloquy, as if it were a rickety and distempered bantling. The noble Lord at the head of the Government said he had no intention of depriving Maynooth of this grant; and the Chancellor of the Exchequer said the same. The Home Secretary made a slip. it was true, but he corrected himself; but the Solicitor General wrote a letter, which spoke for itself. Why, what said the Secretary of the Treasury, the candidate for Liverpool (Mr. Forbes Mackenzie), on this subject? The hon. Gentleman, as had just been suggested to him, was the "whipper-in" of the party opposite. Why, since the days of Proteus there never was such a whipper-in. The hon. Gentleman, the driver of bucolic calves, seemed just as versatile as his prototype the driver of marine calves.

> "Omnia transformat sese in miracula rerum.
> Verum, ubi nulla fugam reperit fallacia, victus
> In sese redit."

The hon. Gentleman had, however, returned *a ses anciens amours*, and proclaims to the old women of England and Scotland that he is a Protestant. "His wound was great because it was so small." The hon. Gentleman voted against the grant when it was small, and embraced it when it was large. The hon. Gentleman's conduct reminded him of the young lady, who excused the result of a *faux pas* by saying, "Oh, it was such a little one." The hon. Gentleman, he presumed, formally opposed the grant because it was "such a little one." But were the Government to be trusted, when they said they did not mean to repeal this grant? Would not any well-constituted Government have at once put their hand upon the Solicitor General and the Secretary to the Treasury? He might remind the House that Mr. Pringle, who once held the office now filled by the hon. Gentleman (Mr. Mackenzie), was turned out of his place by Sir R. Peel, for acting precisely as the present Secretary to the Treasury had done. He could only say for himself, that his conduct in that House in all matters connected with the Government, had always been characterised by moderation of opinion—that indeed he was one who had gained obloquy for the moderation of his opinions; but he must take the liberty of declaring, as one who had no electioneering object in view—who felt as secure of being again returned to that House, if he chose, as any could be on such a matter—that he had for years watched both sides of the House; and his opinion was, that there was a rabid Protestant feeling in existence, which would allow no Government, however well disposed, to do justice to Ireland. He must therefore declare that, from this time, the Irish Roman Catholic Members had, in his opinion, only one resource, and that was to be self-dependent—to keep together as one party, to stand aloof from conflict, and to hang on the flanks of the opposing factions, waiting the fitting time when in one compact array they could throw in their united force in favour of freedom and toleration in religion.

MR. NAPIER said, he was aware of the difficulty of fully discussing the question before the House in a spirit of impartiality;

but as an appeal had been made in the last debate to those Members of the Government connected with Ireland to come forward and state their opinions on the subject at issue, he held it to be unmanly not to do so on the first opportunity; he should, however, say nothing, he hoped, in the observations that he would address to the House, that was unworthy his own position, or disrespectful to the opinions of others; not in the temper of the Constitution, and the spirit of Christianity. Notwithstanding the pleasantry of his hon. and learned Friend's speech, the question before the House was a very serious one; it involved consequences of the most vital import to the country, and therefore it demanded the most temperate and truthful consideration on the part of the House; it should be approached without party feeling or prejudice, and it should be dealt with on its merits, as by persons accountable not merely to their constituents but to a higher tribunal. In that spirit he should endeavour to treat it. He would say at the outset, that the Motion under discussion being the Motion of an independent Member of that House, and not of the Government, it was open for the Government to consider how, consistently with the interests of justice and fair play, they should deal with it. It would be remembered, that before the present Government came into office, the question had assumed the form of a direct repeal of the Maynooth grant. When the noble Lord (the Earl of Derby) came into office, he found it to be inconsistent with his position to assent to that view. He (Mr. Napier) himself, whatever might be his own individual convictions on the subject, was not prepared to assent to a proposition for the immediate repeal of the grant. Even if he considered it to be a grant which, on principle, ought ultimately to be repealed, he thought it was due to the parties who supported it, that there should be a dispassionate and careful consideration of all the circumstances connected with the case. At the outset, then, he admitted that the immediate repeal of the grant would be inconsistent with justice and principle, and would be derogatory to their position as the Legislature of a great country. The hon. Member who placed that Motion on the paper of the House, finding, therefore, that the Government would not accede to a repeal, proposes an inquiry. In that form the Government, in his (Mr. Napier's) opinion, were bound to accede to the Motion, and that was the opinion also of a great number of Members on both sides of the House. The Government could not honestly resist an inquiry; and the only question, therefore, was a question of time—when it should be made, and how carried on. The groundwork of that inquiry being, whether the funds allowed for the maintenance of Maynooth being in the nature of a trust for the public benefit and advantage of the people of Ireland—that trust had been administered in accordance with this object. With regard to the policy and intentions of the noble Earl at the head of the Government, he (Mr. Napier) had had no direct communication with the noble Earl on the subject; but he understood that noble Earl to say this—namely, that, being a party to the Act of 1845, and sharing with the late Sir Robert Peel the responsibility of that Act for the purposes of that policy, if on a fair, honest, and impartial investigation of the case it turned out that what had been intended by that Act had been honestly accomplished, then that he would be bound to continue to support the grant; and he (Mr. Napier) might say, that than this noble Earl, he believed a more honourable and highminded man did not exist in any community. That being the case, the question could not be considered from an individual point of view by any hon. Member —he would not, therefore, state to the House his own individual opinion with respect to the principle of the grant; but the justest and most honest course was to see what the purpose and principle of the Legislature had been—first, in establishing Maynooth, and then in increasing the amount of the grant enjoyed by that institution; and, assuming the principle of the grant to be a right one, capable of being carried out, and regarding the institution in the nature of a public trust, he would then proceed to consider whether it was not the right only, but the duty, of the House to inquire whether that trust was being honestly and effectually executed for the benefit of the Roman Catholics of Ireland. For he begged the House to bear in mind that the grant had not been made to the bishops and priests, although of course they were the agents through whom its objects were intended to be effectuated; but the grant had been made for the benefit of the Roman Catholic people of

Ireland; and he (Mr. Napier) should feel himself unworthy of the position which he occupied, if he did not add that the discussion of this question in all its bearings should be one of which justice and equity formed the basis, and which had for its ultimate object alone to secure to the people of Ireland professing the Roman Catholic religion the due administration of the large sum allotted annually for their benefit out of the public funds. To this end he should propose that the House should recur to the original establishment of Maynooth. Looking back to that period of Irish history he found it to be very instructive. The Roman Catholic religion in Ireland was then a Church and State in itself—a Church with a religion, and a State with a peculiar code of laws. On that occasion, the great mistake in the policy of this kingdom towards Ireland was, that the progress of the Roman Catholic religion was opposed by penal laws and persecution, instead of moderation and mercy, and thus hostility and ill will were produced in the minds of those whose good opinion and whose affection it was clearly the interest of England to cultivate. It was held that the tenets of the Roman Catholic religion were adverse to the duty of Roman Catholics as good subjects; and accordingly the oaths of 1773 and of 1793 involved abjuration of doctrines which were held to be inconsistent with the safety and well-being of the kingdom. These doctrines were now repudiated or disavowed by the Roman Catholic body; and, consequently, it was held that they were equally entitled to civil freedom and civil equality with any other of Her Majesty's subjects. These matters being abjured accordingly, and the oaths framed for antipapal purposes, subsequently a better system crept in gradually as regarded the Roman Catholics. In fact, according to Charles Butler, it was only in 1773 that they were first termed Roman Catholics—the oath commencing, "I, *A. B.*, professing the Roman Catholic religion"—whereas, before, they were denominated, in all legal instruments, Papists. At that period, consequently, the Constitution began to be opened to the Roman Catholics. In 1787, the first great plan of national education—a plan which was worthy of notice at the present day—was proposed to the Irish Parliament by the then Secretary for Ireland, Mr. Orde, in a speech deserving of the utmost attention. That plan went to include all denominations of Christians in the benefits of primary instruction, proceeding on the principle that though it might not be wise to give the public money directly for the purpose of teaching what was believed to be untrue, yet that it might be wise as well as just to give such money for education in those parts of learning common to all sects, and which involved common feelings as well as common interests on the part of each, and so to augment the general intelligence of the country, and the general spread of freedom among the people. The system of education, as brought forward by Mr. Orde, was brought forward for the purpose of propounding a principle, leaving the fruit of that principle to ripen with time. Soon after, Trinity College was voluntarily opened to Roman Catholics, not for the purposes of fellowships or scholarships, but for the purposes of education, and it was considered at the time as a great boon, which no doubt it then was. This country had been guilty of great injustice in depriving the Roman Catholics of obtaining the means of education; and nothing was more certain than the fact that whatever Maynooth might be, it was the offspring of that wrong on the part of this country. In 1793, the University of Dublin was thrown open to Roman Catholics for the purposes of education, as he had stated—not for the purpose of obtaining offices there, because that would be contrary to the objects of the foundation, which were purely Protestant; and several Roman Catholics of distinction—among whom he might name the hon. and learned Member for Kildare (Mr. Cogan), and the hon. and learned Member for Athlone (Mr. Keogh)—had received their education within its walls. In 1794, the Right Rev. Dr. Troy, the Roman Catholic titular metropolitan of Dublin, presented a memorial to the Government of the day, in which it was stated that the system of education required to qualify for the Roman Catholic priesthood was necessarily of a recluse nature, and that it could not be carried on in common with a lay education; and the memorial accordingly prayed for a licence to establish a Roman Catholic college, and aid wherewith to bring it into operation. In 1795, Maynooth was established accordingly. And here he (Mr. Napier) wished to call the attention of the House to that Act, for he believed that much misrepresentation prevailed on this subject. One party said, for instance, that it was intended as a religious endowment, and that they objected to it because it did not teach the Word of God; another party, on the other hand, who were opposed to religious endowments, objected to it because it was not supported by voluntary means. But those who claimed the grant to Maynooth as a religious endowment, and those who objected to it because it was a religious endowment, had both placed themselves in a wrong position. The fact was, that Maynooth was not supported as a religious endowment, nor was it as an ecclesiastical endowment; it was as an educational institution, that, in short, which Dr. Troy had demanded in his memorial on the subject. It was an educational institution, designed for those who might have received their education at Trinity College, if that had not been too expensive, with the addition of the discipline and system of the Roman Catholic Church, so far as it did not trench upon the principles of religious liberty. He would notice, in passing, the argument that they were not to inquire into the religion taught at Maynooth—that they were to leave it hushed up and secret—and that the representatives of constituencies which contributed were not at liberty to inquire whether the money of the State was applied to the specific object and purpose for which it was given. This money was given for a certain avowed and professed purpose, which, as far as it went, was a lawful purpose; and being a State grant, he contended Parliament had a right to inquire—nay, more, it was their duty to inquire, if the inquiry were honestly conducted, and there was a fair motive and legitimate purpose for instituting inquiry. He contended it was their duty to those for whose benefit the grant was intended, to institute a fair, impartial inquiry into those material facts and circumstances which should enable them to say at the conclusion of that inquiry, "ay" or "no," did the means effectuate the object which it was professed they would effectuate for the benefit of the Roman Catholics in Ireland. The Duke of Wellington, when Secretary for Ireland, in 1808, said, in his speech proposing the annual grant to Maynooth, that the Government had not established that institution, only assisted it, and that it was not intended it should be maintained by the State—that the object of the Act was to enable the trustees to carry out a system of education which the country much needed. He referred the House to the memorial of Dr. Troy. He (Mr. Napier) had discovered a petition, dated 1799, from certain Roman Catholics in Ireland, trustees of Maynooth, which bore out this view of the case. It was as follows:—

"16th February, 1799.—A petition of the trustees appointed to carry into execution the Act of Parliament, entitled, 'An Act for the better Education of Persons professing the Popish, or Roman Catholic Religion,' was presented to the House, and read, setting forth, that petitioners, with profound gratitude, acknowledge the munificent support granted them by the House, by which they have been enabled to give effect to the wise and liberal views of Parliament, in providing the necessary accommodations, and in every respect accomplishing the full establishment of the seminary, agreeably to the statements submitted to the House; that petitioners express their firm reliance on the benevolence of the House, and their strong hope that the institution intrusted to them, become now efficient, will be found to contribute to the general prosperity of the kingdom, by diffusing the blessings of morality and religion throughout a large portion of its inhabitants, among whom a more faithful attachment to Government, and a more dutiful submission to the laws, must be naturally looked for from the zealous exertions of instructors who, in the inculcation of these important duties, must feel themselves urged by a strong impulse of gratitude to enforce and to illustrate the general principles on which these duties are founded; that petitioners have prepared an estimate of the annual expenses of the full establishment of the seminary, amounting to the sum of 8,000*l.*, and therefore praying the House to enable them to provide the said sum of 8,000*l.*, in order to defray the expenses of the full establishment from the 25th of March, 1799, to the 25th of March, 1800.

"Ordered—That the said petition be referred to the consideration of a Committee. And a Committee was appointed of the right hon. the Chancellor of the Exchequer, the right hon. Lord Viscount Castlereagh, and others, with power to send for persons, papers, and records.

"On the 22nd February, 1799, the Committee made their report, and amongst other things, reported that in their opinion the petitioners deserve the aid of Parliament."

This showed the professed purposes of the institution, and it also showed that the fund allotted for the maintenance of Maynooth was in the nature of a trust, which Parliament was not bound to uphold any longer than the institution was deserving of support. Down to the year 1845 there had been an annual grant for the maintenance of Maynooth, which proved that while on the one hand there existed no binding contract, on the other hand it morally amounted to an obligation of the same force, that if the objects for which that institution was established, had been carried out in the spirit that Parliament expected upon its establishment, Parliament would feel bound to give them some support. Under these circumstances the inquiry adverted to by his hon. and learned Friend by the Education Commissioners in 1824–5 took place. But how did the College of Maynooth come within the range of that inquiry? Not by name, but under the general head of all institutions for the purposes of education. It appeared that from 1795 to 1808 there had been educated in Maynooth annually about 250 free students. In 1808 the grant was slightly increased. The nomination of those free students was vested in the Roman Catholic bishops of Ireland. The Roman Catholic bishops had the arrangements amongst themselves—they had the nomination of the whole number of 250 students of the College of Maynooth. The Roman Catholic prelates had both the nomination and the patronage of the college. The Act 35 *Geo.* III. c. 21, empowered trustees to receive subscriptions and donations, to endow and establish an academy for the better education of persons professing the Roman Catholic religion. The Roman Catholic bishops had the nomination and patronage of the Maynooth College—the students of which were supported out of the funds provided by Parliament; for he was not aware that any large number of students were supported out of any other fund. Here, then, was a great public trust supported out of the common taxation of the Empire, provided by Parliament; and now that the annual control of the funds was taken away from Parliament by the Act of 1845, it was the more imperatively necessary to see that the money was properly disbursed and applied to those purposes intended by the Act. It was a public trust, and it was a right and duty to see that trust honestly fulfilled. The object of the grant was to teach moral and social duties, and to rear up a domestic priesthood for Ireland. If opposite doctrines were taught at Maynooth, then the original compact with the country was violated. The Maynooth College was an educational establishment, and thus within the Commission of 1824. An inquiry did take place by a Commission, who were empowered to inquire into the system of education at Maynooth. Whatever the circumstances which justified an inquiry in 1824, the existence of the same circumstances at this time more strongly justified an inquiry. As to the visitatorial power which existed at the time, that power, which was limited and restricted, was treated in 1808 by Lord Redesdale as a nullity. With respect to the question of inquiry he would say that by whatever tribunal the investigation was to be made, the tribunal had no right to conduct that inquiry so as to violate conscientious feelings. The object which such a tribunal ought to have in view was to get at truth, without giving just offence to any one, or violating religious liberty. His hon. Friend who had adverted to the Commission in 1824–7 had concurred in the eulogium which had been passed on the members of that Commission, composed, as it was, of persons of learning and station, amongst whom were to be found Mr. Blake and Baron Foster. This Commission did not inquire or examine into the tenets of the Roman Catholic religion, except where connected with civil duties and the relations of Roman Catholics to the State and their fellow-subjects. These, he might presume, were legitimate subjects of inquiry, not involving any violation of the principles of religious liberty. The Commission stated that the subjects of inquiry were—First, as to oaths and vows, their obligations, and the dispensing power of Pope and bishops. Second, the opinions on oath and declaration of allegiance under the 13 & 14 *Geo.* III., c. 35, and the 33 *Geo.* III., c. 21—those were the oaths which embodied the renunciation of all doctrines hostile to the constitution. Third, the Gallican liberties, and how far received or rejected. Fourth, Ultramontane and Cis-alpine doctrines, how far received and taught. Sixth, canon law, how far binding in Ireland. Seventh, the class-books. Eighth, views of the proposers, and also as to any relations between the college and the order of Jesuits. Now, what did the Commissioners say in reference to that part of the report relating to the examination of witnesses? They said they did not agree in the conclusions which were to be drawn from their examination of witnesses, though the subjects which they examined into constituted the most important part of the inquiry. They said they could not analyse, comment on them, or come to any conclusion among themselves. They left it *in dubio*. Now, if they did not come to any conclusion, the consequence to be expected was that every man would have his own opinion as to the result of the evidence obtained by the Commission. The House would see there had been an inquiry; and yet upon several important subjects connected with that inquiry the Commission were not able to come to a conclusion. On that important branch of educational inquiry, there was so much diversity of opinion, owing to correction and suppression of evidence, that no special report could be made, and the inquiry was both unsatisfactory and imperfect. Now he asked the House confidently to say, if it was important an inquiry should take place into the subject, why was it important? It was important because it was necessary to understand what were the views taught at the College of Maynooth. The Commission were not able to come to any conclusion; but then it was said they were to look at the Act of 1845; that Sir Robert Peel was aware of the evidence to which he had referred at that time, and thus hon. Members sought to place them under the authority of the late Sir Robert Peel, in order to coerce their opinion and actions at this time. Now he begged sincerely to say that no one in that House was more desirous of speaking with tenderness and respect of the late Sir Robert Peel than he was, for he had ever received kindness and esteem at his hands, though not honoured with his personal acquaintance. He readily admitted the great talents of Sir Robert Peel, and that he always exhibited the manner and temper of a statesman; but on questions of this kind he (Mr. Napier) refused to surrender his judgment to the authority of any statesman whatever, and therefore looking at the evidence and the conclusion which was purposely left *in dubio*, he found nothing to bind him to say it was not necessary to have a further and searching inquiry into the subject, more particularly as recent events had rendered such inquiry imperatively necessary. If the Irish Roman Catholic priesthood were to have the advantage of a more liberal system of education, it was doubly important for the Legislature to see into the matter, and to avail itself of the investigation made by the Commission which pointed out certain heads of inquiry which had not been fully gone into. The hon. Gentleman (Mr. M. J. O'Connell) admitted if any subjects were not inquired into by the Commission, and causes could be shown to exist why that inquiry ought to take place, then that it was fit and proper the inquiry should take place. Let the House see how the matter existed in 1845; what was the conduct and character of the Roman Catholic Church at that time? It was important to ascertain what were the feelings and the views of the Roman Catholics at that time, and before the Emancipation Act passed. In doing this he would avoid needless cause for irritation. He yielded to no man in attachment to the faith he professed; but he would never do violence to the feelings of others, or suffer himself to be misrepresented with respect to feelings which he did not entertain. He would commence the inquiry into the position and views of the Roman Catholic Church by referring to the evidence of Dr. Doyle, who, in 1822, in an address to the Roman Catholics of Ireland, said—

> "In this country your religion is not only tolerated, but protected by the law. It is clear, then, that on the score of religion your conspiracies are without an object, and it is the angel of darkness, who transforms himself into an angel of light, that he may seduce you to violate all the charities of the Gospel, under the appearance of zeal for the faith."

After that address the inquiry took place, and the inquiry, as he had shown, left the matter *in dubio*. Then came the settlement by the Act of 1829. It was important to advert to the Act of 1829, because that settlement ought never to have been departed from. They had the evidence of the Roman Catholic bishops in 1829, and that evidence would supply much that was deficient in 1825. All were familiar with the evidence given before Parliament in 1829, and they had an address in 1830 to the Roman Catholics, signed by the bishops, the professions in which ought never to be lost sight of. The address stated—

> "That Legislature which raised you up from your prostrate condition, and gave to you without reserve all the privileges you desired—is not that Legislature entitled to your reverence and love? We trust that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and government of your Gracious Sovereign, will be manifest in your entire conduct. Labour, therefore, in all things to promote the end which the Legislature contemplated, &c.,—viz., the pacification and improvement of Ireland."

And it goes on to add—

> "If sowers of discord or sedition should attempt to trouble your repose, seek for a safeguard against them in the protection afforded by the law."

In 1834 the Roman Catholic archbishops and bishops of Ireland, the Most Rev. Dr. Murray presiding, adopted the following resolutions:—

> "Resolved, that our chapels are not to be used in future for the purpose of holding therein any public meeting, except in cases connected with charity or religion; and that we do hereby pledge

ourselves to carry this resolution into effect in our respective dioceses.

"Resolved, that while we do not intend to interfere with the civil rights of those entrusted to our care, yet, as guardians of religion, justly apprehending that its general interest, as well as the honour of the priesthood, would be compromised by a deviation from the line of conduct which we marked out for ourselves and impressed upon the minds of our clergy in our pastoral address of the year 1830, we do hereby pledge ourselves, on our return to our respective dioceses, to remind our clergy of the instructions we then addressed to them, and to recommend to them most earnestly to avoid in future any allusions at their altars to political subjects, and carefully to refrain from connecting themselves with political clubs, acting as chairmen or secretaries at political meetings, or moving or seconding resolutions on such occasions, in order that we exhibit ourselves in all things in the character of our sacred calling, as ministers of Christ and dispensers of the mysteries of God."

These addresses and resolutions were after the Emancipation Act had passed, after the great question had been settled, and after the Roman Catholics had been placed on an equality with other religious persuasions, and after they had got civil equality and religious freedom. The question that arose was, had the policy laid down in the declarations of the Roman Catholic hierarchy been acted upon and carried out? If it could be shown to have been acted upon, then all would be right, and would set at rest those questions of doctrines and teachings at Maynooth which had recently been raised. Well, then, he would now proceed to ask, had no change taken place since 1845 sufficient to affect the foundation of the grant to the College of Maynooth? Was it necessary to inquire into the doctrines taught at Maynooth, and alleged not only to be inconsistent with the terms of the grant to Maynooth, but inconsistent with the constitution of the country? He asserted that every one who was truly attached to the Constitution of these realms, and who was willing to be guided and governed by the laws of the kingdom, whatever might be their religious opinions, ought to be anxious to set himself against doctrines subversive of the rights of the Crown and the Constitution. He would now refer to a memorial of the trustees of the Roman Catholic College at Maynooth, addressed to Lord Heytesbury when Lord Lieutenant General of Ireland. After alluding to the early history of the institution, it speaks

"of the Catholic population increasing in an incalculable proportion, with an incredible diffusion of knowledge through all classes of the people, which required a corresponding advancement in the learning as well as in the number of their spiritual instructors. Notwithstanding the parsimonious curtailment of expenditure, as appears from the decayed state of the college buildings, and the total want of accommodation and conveniences through the establishment described above, yet not one-half the number of priests required for the mission of Ireland is educated, and the education of that number exceedingly abridged. They speak of the institution as destined to supply the spiritual wants of seven millions of British subjects in Ireland'; and if doomed to go on without an increased support, the alternative will be that one-half of the Catholic population must be left without pastors, or priests insufficiently educated must be sent out to preside over their respective congregations as they may. They add that by an increase of the Parliamentary grant on the same terms as of the former grant, sufficient to provide for the better education of at least 500 students, to improve their accommodation by the erection of new buildings and the reparation of the old, the trustees will be enabled to carry out fully the benevolent intentions of the Government in the original establishment of the college, a great occasion of national discontent will be removed, and the whole Catholic population, with the Catholic priesthood, will acknowledge a deep debt of gratitude for the concession."

It was on that view of the question that Lord Derby supported the Act of 1845. He should be happy to find his own opinion overborne by the opinion of others who would be able to find in the success of the policy pursued towards the Roman Catholics a justification of the grant. Had the policy pursued by Government made a favourable impression, and had the Roman Catholic bishops and clergy of Ireland, by their conduct and proceedings, set an example to the Irish people of submission to the law? Had the grant to Maynooth been applied to the education of the priesthood so as to give to the Irish people a well-educated, loyal, and peaceable priesthood? If these things could be proved to have taken place, then the grant was a just and serviceable act. Before God he solemnly asserted it would give him sincere pleasure, if inquiry were conceded, and it should be found that the trust had been faithfully and justly carried out. But the recent grounds which made up a case for inquiry, were patent to all. It was the object of Government and the House to get the truth. Let the House recollect what they did by the Act of 1845; they increased the number of students at Maynooth, and they thereby increased the patronage of the Roman Catholic bishops. The noble Lord opposite said the present was a vindictive movement on account of the recent aggression of the Court of Rome. The noble Lord asked what had that aggression to do with Maynooth? and said it was unworthy of any Ministry to retaliate in such a way. He admitted it was unworthy of a Government to retaliate; but he asserted that the instinct of self-preservation made it a duty to repel aggression. It was not an aggression of Rome only; it was also an aggression of the Roman Catholic episcopate on the country. He would remind the House that Archbishop Cullen — he would not call him an Italian priest—was one of the trustees of Maynooth. Archbishop Slattery was another. Archbishop M'Hale another. These Roman Catholic prelates had the nomination of the students—the 500 free students of Maynooth. The Irish Roman Catholic hierarchy had not only got the selection of the priesthood, but they had got the money; they had got more—they had got the allocation of those persons, when educated as priests, in their dioceses. Now, he would ask the House if it was in common sense and reason to leave the trust as it now stood—the nominations, and money, and appointments, being wholly in the hands of the Roman Catholic hierarchy? He would put the case fairly and boldly to the House. Could they, as members of an independent Church—with the knowledge of the purposes for which the Maynooth grant was made—could they believe that those purposes would be carried out by leaving that large sum of public money in the hands of persons who had declared themselves in favour of the Ultramontane policy? [*Cries of* "No!"] He could prove his assertion. There had been a meeting recently of Roman Catholic prelates in Dublin, and at that meeting they passed a resolution against an Act of Parliament; they had done more, for since passing that resolution they had issued another resolution, to the effect that they would only obey just laws. They passed a resolution to violate an Act of Parliament. They said that they were bound in conscience to violate it. Here he wished there should be no mistake. If since 1829 there could be shown any legislation to have occurred which took away any one lawful right or privilege of the Roman Catholic laity or priesthood secured by that Act of 1829, he would consent at once to put his name on the back of a Bill to repeal the Act which so deprived Roman Catholics of the rights solemnly secured to them. The same religious freedom they enjoyed in 1834 they still had; and yet the Roman Catholic prelates had chosen to pass sentence on an Act of Parliament which only declared the law of 1829. They who had done this had got the nomination of the students of Maynooth in their hands. Now if these persons set up their own judgment against the law of the land, and if they made a declaration which violated the law of 1829, what, he would ask, was that but practically adopting Ultramontane doctrines? He asserted that the step taken by those Roman Catholic prelates in violating a law, was Ultramontanism. It was carrying out Ultramontane doctrines to sit in judgment and to denounce any law of the land. He would not be afraid to speak the truth, or to put the case on its merits. He asserted that the Ultramontane policy would be set up if the matter was left as it now stood, and without inquiry or investigation. So far from effectuating the purposes of the grant to Maynooth, that of providing a well-educated loyal priesthood, which should prove advantageous to the Roman Catholic Church and to the Constitution of the country, if the matter was left where it now stood, those purposes would be frustrated. It was said that the doctrines and practices of the Roman Catholic Church did not trench on the Constitution of the country. Be that as it may, he asserted that by the policy now pursued they were putting funds derived from the public treasury into the hands of foreign agents for their own purposes. Were they, then, with their eyes open, to suffer all these things? Were they to suffer these large funds to go into such a channel for such purposes? He put it to the common sense and reason of that House whether this would not be the inevitable result if some check was not put on the present system—that the Court of Rome would continue to demand to have a direct control over the Irish Roman Catholic bishops, the same as the bishops had a direct control over the Maynooth students? But it was said that the Roman Catholic priesthood only did that which was done by the Irish Protestant clergy. Was ever anything so preposterous asserted? The Irish clergy had no law to give them power to take the education of the Protestant clergy into their own hands. The schools had public grants; but there was no law to say they must accept it, or that required them to sign a resolution to violate an Act of Parliament on account, as alleged, of conscientious scruples. But they now had mandates from the Court of Rome to override the law. It was said that certain resolutions by the Roman Catholic laity of

Ireland had been passed, in consequence of the letter of the noble Lord. His opinion was that the conduct of the Irish Roman Catholic bishops since 1845, in setting up the Ultramontane policy, by which the domestic election of the Roman Catholic clergy was superseded, had placed the Maynooth grant in a totally different light. This, he asserted, was a proper subject of inquiry. The foreign interference with the civil and temporal affairs of the country —the recommendation of disobedience to law to the Roman Catholic clergy—made it obvious that the public had a right to require investigation and reconsideration of the grant. He did not mean to advise the taking away the grant, but he advised an inquiry into the fact whether or no the grant had been carried out in conformity to that policy which had induced the House to pass it. If they found there was a general concurrence in the demand for inquiry, then the question to be determined was, how was the inquiry to be conducted —by Royal Commission or by any other mode? With regard to a Royal Commission, that mode was open to objection, and there were also other objections to a Commission of Inquiry. But he thought a Parliamentary Committee might with advantage be entrusted with the inquiry. He would frankly say he did not wish to accelerate the inquiry. He admitted with the hon. Member for Cork (Mr. Serjeant Murphy) that bitter times had been gone through, and that, though so much real suffering had been endured, the people, as a body, had conducted themselves with much temper. But he consented, when time and manner were suitable, to have the inquiry conducted calmly and dispassionately. He was sorry to hear old stories thrown out which had not a word of foundation. He was sorry to hear the old exaggerations respecting the Church property in Ireland. He was sorry to hear the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) and the noble Lord the Member for London (Lord John Russell) tell the House to take care what they did in respect to Maynooth: they said if the House carried the question for inquiry, they might excite a determination to alter the present Irish ecclesiastical system. They were told in effect, that although it might be necessary and proper to have a fair and impartial inquiry with regard to the educational system of Maynooth, in order to carry out more honestly and effectively the real and declared purposes for which a grant was made out of the common taxation of the empire, they were not to venture to take that step. He could only say, as a representative of the Church, that he was not to be deterred from taking the course he thought advisable. If the right hon. Gentleman (Mr. Gladstone) would bring forward any measure affecting the Established Church of Ireland, he (Mr. Napier) would listen to him with patience, and give the most candid consideration to his propositions. He admitted that that Church had, in earlier days, grossly neglected its duties; but, in later times, with a more simple and scriptural agency, it had diffused among the people, frequently in their native language, the word of God. He thought the question of the Irish Church was entirely distinct from that now under their consideration; but if any measure with regard to that Church should be submitted to the House, it might be fairly and fully discussed. In the meantime, however, he thought it was their duty to see that the Maynooth grant was rightly and honourably applied to the purposes for which it was designed, and he hoped that a fair, deliberate, and impartial investigation would be instituted.

MR. GLADSTONE said, that the right hon. Gentleman having misunderstood a passage in a speech which he (Mr. Gladstone) had delivered on this subject, he was desirous of saying a few words in explanation. His right hon. Friend seemed to have supposed him to have intimated that if the House of Commons was prepared to inquire into the condition of the College of Maynooth, it must also be prepared for the reconstruction of the ecclesiastical arrangements in Ireland. It would be in the recollection of the House that his right hon. Friend was quite mistaken on this point. What he (Mr. Gladstone) stated, was, that he was prepared to accede to this Motion for inquiry, but that if the House was prepared to depart from the principle upon which the endowment of Maynooth was granted in 1845, it must also be prepared for what he thought the necessary consequence—the consideration of the reconstruction of ecclesiastical arrangements in Ireland. His right hon. Friend seemed to suppose that he (Mr. Gladstone) was prepared to bring forward a proposal with that object, and that when it was brought forward he (Mr. Napier) should be disposed to consider it fairly. He was much obliged to his right hon. Friend; but he (Mr. Gladstone) not only did not intend to make any such proposal, but he should most earnestly deprecate such a proposition being made. His object was only to point out to the House dangers of a very serious character in the course at present recommended, to which he thought the eyes of hon. Members opposite were not so open as was desirable.

MR. C. FORTESCUE rose to protest against the speech of the hon. Member for North Warwickshire, and of the Secretary of State for the Home Department, and the whole animus and tendency of the policy which they advocated towards the Roman Catholics of Ireland. This sort of theological controversy would have the effect of driving many good men out of that House. The speeches of the Attorney General for Ireland and of the Home Secretary were mere echoes of that "No-Popery" agitation which was got up out of doors, and which he looked upon as one of the most deplorable signs of the times. That agitation might be described as the influence of the unthinking many over the thinking few, and it was at this moment coercing the intellects and consciences of numbers of hon. Gentlemen who were about to meet their constituents on the hustings. There appeared to be no end to the "No-Popery" cry against our Roman Catholic fellow-countrymen. One might have expected that when the Emancipation Bill was passed, that cry would have ceased—one might have hoped that a new era would then have begun—that religious equality would thenceforth prevail; but it seemed that we were doomed to disappointment. The fact was that the Emancipation Bill was not carried with the hearty concurrence of the people of this country; it was carried by the influence of a few public men. In the same way the Act which the House was now considering might be said to have been carried by the influence of one great man alone. It was quite plain to his (Mr. Fortescue's) mind, that the people of this country had not made up their minds to accept the consequences of the Emancipation Act. They had not made up their minds to recognise to a full and just extent the claims of their Roman Catholic fellow-countrymen. They had not made up their minds to permit to the Church of Rome that full freedom of action and speech which she conceived to be necessary. By the Emancipation Act, we pretended to set the Roman Catholics of this country at liberty; but the moment they seemed inclined to avail themselves of that liberty, we attempted to put them in chains again. There could be no doubt that if this paltry sum of 26,000*l.* were taken away from the Roman Catholics of Ireland, the ecclesiastical question in that country would at once be raised, amidst a storm of agitation, instead of being settled, as it ought to be, by an amicable compromise. He believed the day would come when such a compromise must take place. He would not attempt to say in what way that most difficult subject was to be settled, but he was quite sure that it must be made on the principle of entire religious equality. The principle of religious ascendancy for any Church would not be allowed to enter into the settlement of that question. He thought it was the duty of that House to set themselves against the "No-Popery" agitation out of doors. He knew no subject on which representatives ought to be more careful not to be led away by their constituents. He knew no subject on which public men were more bound to take the lead of rather than to follow the multitude. He knew no subject which was better calculated to serve party and political purposes than the "No-Popery" cry. To his mind there were only two reasons which could justify the House in entering into the proposed injury, namely, the strongest suspicion of absolute immorality being inculcated in the College of Maynooth, or of absolute disloyalty towards the Crown being advised by the superintendents and teachers. He felt that the proposed inquiry could do no good: it would but produce bitterness between the Protestants and Roman Catholics of Ireland. He implored the House not to be the means of producing such a lamentable state of things. He sympathised with the hon. Member for Limerick (Mr. Monsell), who said, though a Roman Catholic, he was perfectly willing to vote for this inquiry: if he (Mr. Fortescue) were a Roman Catholic, he should be inclined to take the same course. Such a feeling did credit to the hon. Gentleman; but, as a Protestant, he should feel it his duty to resist a Motion so painful to the feelings of Roman Catholics. He should vote against the inquiry as unworthy of that House, and of a great country.

MR. HENRY DRUMMOND said, that, before he ventured to touch upon this extremely complicated question, he must remind the hon. Gentleman who first spoke that evening, that he should bear continually in mind two ideas—ideas, no doubt, exceedingly unpleasant to some persons.

The one was, that Ireland was a Roman Catholic country; the other was, that the Church in Ireland—the Anglican Episcopal Church—was originally planted by the bayonet, without ever converting the people, and that it had been, from that day to this, a continual source of irritation. We may look at these things as we will, but there they are. When the hon. Member for North Warwickshire said he desired an inquiry, they naturally presumed that such inquiry would be conducted by a Committee of that House, of which, of course, the hon. Gentleman would himself be the working president, and would be assisted by several Gentlemen whom he would himself name. But what was the hon. Member going to inquire into? The hon. Gentleman said, into the doctrines taught at Maynooth. He (Mr. Drummond) begged to inform the hon. Gentleman that he must be a little more accurate. The Roman Catholic authorities divided what they called doctrine into two totally different parts. The one was *theologia dogmatica*—surely the hon. Gentleman was not going to inquire into that. The other was *theologia moralis*, and into that the hon. Gentleman might possibly inquire. But then the Motion of the hon. Gentleman ought to state that he proposed an inquiry into the doctrines taught at Maynooth, so far as they related to morals and politics. The Attorney General for Ireland (Mr. Napier) had said, that this was an educational question; but the hon. Gentleman who brought forward the Motion, and nearly all the petitions presented to the House, had treated it altogether as a doctrinal question, with which that House was totally incompetent to deal. Unfortunately a few days ago an enormous blue book, which of course every hon. Gentleman had read, had been presented to the House. From that book they learned that all the theology those hon. Members who might have had the good fortune to be educated at Oxford were expected to learn, was comprised in the Four Gospels and Acts of the Apostles in Greek; the contents, historical and doctrinal, of the books of the Old and New Testament; the Thirty-nine Articles, with proofs from Scripture; and the evidences of religion. Now, he had very great objections to the perversion of Christian ethics which some Popish priests inculcated; but he must do them the justice to say, that they were much better instructed on doctrinal points than Protestants. The Report to which he had referred went on to say—

> "Learned theologians are very rare in the University, and in consequence they are still rarer elsewhere. No efficient means at present exist in the University for training candidates for holy orders in those studies which belong peculiarly to their profession."

What means have we, therefore, of instituting an efficient inquiry into the doctrines taught at Maynooth? Another very awkward matter they would have to get over, was, that a strong memorial, signed, he believed, by forty-nine Members of that House, had been presented to the Queen by the Earl of Shaftesbury, backed by many Peers, requesting Her Majesty to take steps to do away with the sacramental system of the Church of England. Now, if a Church was not a thing appointed by God for the administration of sacraments, it was nothing but a mere lecture-room, in which the congregation elected the teacher; and he really thought they had all cause to rejoice that there was such a Church as the Roman Catholic Church which would stand up for the divine institutions of a hierarchy and the sacraments. He must say, that if the Committee now moved for should be appointed, he would feel it his duty to object to the nomination upon it of any Member of that House who had signed that memorial. The hon. and learned Member for Cork (Mr. Serjeant Murphy) had said that this was not a true Motion, meaning that it was brought forward, not because the public cared a rush about Maynooth, but because it was in truth a continuation of the debates of last year upon the Ecclesiastical Titles Bill. Now, he (Mr. Drummond) confessed he believed that that was the truth. He should be very sorry to say anything to offend, and he had never addressed the House under greater apprehensions of doing so. He would therefore not express his own opinion, but the opinion of other parties, and in their language. It was not necessary for him to describe what were the doctrines and character of the Jesuits. The whole Roman Catholic world knew what they were, and if he was wrong, he erred with the Roman Catholic world. Every Roman Catholic statesman, every Roman Catholic Sovereign, and the whole body of the Roman Catholic laity, had declared that their doctrines were incompatible with the existence of society, and that if they were allowed to prevail, the peace of States could not be preserved. The Pope confirmed that opinion, and suppressed the order.

But that order was now dominant in the Church of Rome. Their reprobated doctrines were now, for the first time, sanctioned by the highest authority in the Church of Rome. These doctrines were all brought together in one work, and the author of that work was declared by the Propaganda and the Pope to be a person who had never written one word deserving of censure. That work was made the authorised doctrine for Roman Catholics in this country. Cardinal Wiseman and the late Dr. Griffiths had sanctioned the work to which he referred—the *Life of Liguori*, by Faber; and Cardinal Wiseman had thus given his approval to the doctrines of the Jesuits. He would not describe those doctrines—the whole Roman Catholic body had done it for him. Many Gentlemen must have read Pascal for the sake of his beautiful French; but none of them ever dreamt that what he wrote about was a matter of practical importance on the day on which we are speaking. Nevertheless, that was the fact. Now, see what had been the consequences. Last year, when the noble Lord (Lord John Russell) brought forward a Bill, which he (Mr. Drummond) thought most futile and foolish, that measure was described in print by Cardinal Wiseman and by Dr. Ullathorne as a most unjust aggression upon them, because there was no intention whatever on their part to do anything beyond providing for the better internal arrangements of the Roman Catholic Church in this country. But, unfortunately, there was in another place an *alter ego* of the Pope, who did not know the advantage of practising the mental reservation and equivocation taught by Liguori. M. Luquet, the Pope's nuncio in Geneva, wrote thus to Sir Robert Peel:—

> "You said, 'the Rome of to-day is still the Rome of Gregory VII.' I will add that it is also the Rome of Gregory I., to whom England is indebted for the faith."

That was not true; but never mind—

> "He made against your country an aggression, the result of which was to liberate the freemen in it from the slavery of infidelity. The aggression of Pius IX., be well assured of it, has the same object, for the single, but ardent desire, of Pius IX., as of all of us, is to break in pieces the chains under which, in the name of liberty, Protestantism crushes your souls. I will add that the aggression of Pius IX., like that of St. Gregory, will have for its certain result the restoration of a great number among you to this interior liberty, which belongs only to the children of God."

Now, they had here a full and accurate description of the object of the Roman Catholic priests, whose firm conviction was that they ought to have the government of the whole world in their hands, and that everybody was bound to swear that white was black, or black white, at their dictation. He believed the people of this country were exceedingly irritated on this subject, because they regarded the Ecclesiastical Titles Bill as wholly inadequate to meet the difficulty. Now, he begged to observe, that though this irritation existed from one end of the country to the other, no itinerant mob-speakers had been getting up the meetings. Petitions had been presented signed by hundreds of thousands of well-educated people; and when they found a large and intelligent mass of the community thus coming forward, they might depend upon it that the petitioners were right in the main. John Bull was a blunt honest fellow, and he would not swallow the cant of giving a secondary allegiance to the Queen, and a first allegiance to the Pope. The hon. and learned Member for Cork had said that Roman Catholic priests had kept the people of Ireland quiet in 1848; but here was an extract from a letter written by an Irish priest to the editor of the *Tablet*, and dated the 12th of August, 1848:—

> "I believe with you, that an armed rising of the people would be the excess of madness, because I believe with you that, comparing the manifold elements of strength on the part of the English Government, we have no chance of success. On this ground therefore, and on this ground alone, I firmly believe the great mass of the clergy are opposed to insurrection."

If hon. Gentleman had any doubts about the intentions of the priests, let them go to Paris, where they would hear officers talking with great joy of the probable invasion of Ireland whenever the priests had sufficiently roused the people. He had heard a new convert to Rome express his readiness to follow his new master, the Pope, because, whatever was for the Pope's interest, he said, he deemed to be paramount to every other consideration. He (Mr. Drummond) did not believe the wicked doctrines of the priests had yet made much way among the laity; and, while he still had faith in the common sense, and common honesty, and common courage of Englishmen, he set these Italian doctrines at defiance,

Mr. FRESHFIELD moved the adjournment of the debate.

Motion made, "That the Debate be now adjourned."

Mr. CHISHOLM ANSTEY said, he

understood the movement contemplated by hon. Gentlemen opposite, and believed that the same game was to be played over again that was played before the vacation. The House should not divide on the question of adjournment without they came to a clear understanding as to the day and hour to which it was proposed to adjourn.

Mr. SPEAKER said, the House must first decide whether the debate should be adjourned or not. After that question had been decided, then would come the question of fixing the time for resuming it.

Mr. CHISHOLM ANSTEY said, it was usual for Gentlemen who solicited an adjournment to give some reason for so doing. If the hon. Member had moved an adjournment till six o'clock, and that the adjourned debate take precedence of notices of Motion, such a Motion would have commended itself to the good sense and feelings of the House. Until some satisfactory explanation was given of the real purpose for which the adjournment had been moved, he would resist it.

Mr. SPOONER said, this was neither the first nor the second time that the hon. Gentleman (Mr. Anstey) had brought unfounded charges against him. According to the forms of the House, he was quite aware he might adjourn the debate or not. ["Oh!"] He did not know what the hon. Gentleman (Mr. Anstey) meant by crying "Oh!" he supposed it was something very satirical in his own mind, but the House was not all anxious to know it. With regard to the question of the hon. Gentlemen as to his (Mr. Spooner's) reasons for adjourning the debate, he would give him two answers. He was willing to yield his opportunity of reply; much as he had been accused of wishing to bring on this debate through certain motives, he was willing to forego that right, and to divide immediately if the hon. Gentleman would accede to that. Another proposition he had to make was, that if hon. Gentlemen who had notices of Motion for to-night would forego their notices, he would agree to adjourn the discussion till six o'clock. If the hon. Gentleman the Member for Lambeth (Mr. D'Eyncourt), whose notice stood first upon the list of notices of Motion for to-night, agreed to this proposal, he (Mr. Spooner) made no doubt other hon. Members would follow his good example, especially those hon. Gentlemen who had been of late heaping abuse after abuse upon him (Mr. Spooner), and stating that this was only an electioneering proceeding; who had charged him with never intending to bring forward this question, and had charged him with dishonesty—charges upon which he wished to set himself right with the House. In the first place, he had been accused of altering his Motion. He never did alter his Motion. [*Cries of* "Divide!"]

The O'GORMAN MAHON said, the Motion then before the House was, that the debate be now adjourned, and he was sure it was quite unintentional on the part of the hon. Member for North Warwickshire that he had gone into the general question. He could say to that hon. Gentleman, that amongst those who he said had opposed him there was an exception. That exception was himself (The O'Gorman Mahon); for, in the absence of that hon. Gentleman, he had expressed his own gratitude for former services.

Motion made, and Question, "That the Debate be now adjourned," put, and *agreed to.*

Mr. SPOONER resumed: His Motion had been duly entered on the book. He was now charged with having afterwards altered it. He denied that fact, and he would prove it. He admitted that hon. Gentlemen in looking over the Votes of the House might be mistaken as to the fact, because, by some mistake, though he gave notice of a specific Motion, the entry made in the book was entered merely as a renewal of an old Motion. That was a mistake; but he was willing to take the blame of it on himself, because there was so much accuracy in everything transacted at the table of the House, and because he did not give his notice in writing, he believed the fault was his, and he was willing to take the blame of it. But he had taken the trouble to examine those usual sources of information which conveyed the proceedings of that House to the public, and, generally, with so much accuracy; and he found in several of the morning papers of the 11th of February this notice:—"Mr. Spooner stated that, on that day fortnight, he would move for a Select Committee to inquire into the state of education in the College of Maynooth." Here, then, was the specific notice of a specific Motion to be made, and he was now charged with giving up that Motion in order to carry out the views of the Government. But the House would observe that this notice was given ten or twelve days, or a fortnight, before there was any change of Government; and he could say that, since there had been a change of Government, he never had any communication with any Member of the Government on the subject. The Motion he would now submit was, that this debate be adjourned till after the other Orders of the Day, in the hope that the hon. Member for Lambeth (Mr. D'Eyncourt) would withdraw the Motion of which he had given notice; and if he did so he had no doubt his example would be followed.

Motion made, and Question proposed, "That the Debate be adjourned till after the Orders of the Day this day."

Mr. TENNYSON D'EYNCOURT would be very sorry to stand in the way of the hon. Member; at the same time his hon. Friend must recollect that his Motion was an Order of the Day, and he could put off to any other day. The Motion of his hon. Friend was, he admitted, one of a very interesting nature to his (Mr. D'Eyncourt's) constituents, particularly on the eve of a dissolution; but he thought that his (Mr. D'Eyncourt's) Motion (for shortening the duration of Parliament) was quite as interesting, and much more capable of being led to a practical conclusion. Unless, therefore, it was the wish of the House, very strongly expressed, he would feel himself under the necessity of persevering with his Motion.

Mr. SPEAKER was about to put the question, when

The O'GORMAN MAHON rose, and expressed a hope that the hon. Member (Mr. Anstey) would not press for a division after the proposition of the hon. Member for North Warwickshire. He trusted the debate would not be allowed to drag its slow length along day after day, but would be brought to a conclusion at once.

The CHANCELLOR of the EXCHEQUER said, in the present state of the public business, it would be most expedient that the debate—if it was necessary to continue it—should be continued to-day. He suggested to the House that, considering the state of the public busines, and the discussions that had already taken place upon the subject, perhaps it would be best, upon the whole, to divide at once upon the main question.

Mr. REYNOLDS said, he might repeat what he had stated before—that he, as a Roman Catholic representative of that House, did not deem it his duty to oppose the Motion. In saying that, he was not shrinking from inquiry into Maynooth, neither did those whom he had the honour to represent, nor those with whom he had the pleasure to act. But what he did complain of was—and he referred more particularly to the remark of the Chancellor of the Exchequer, who invited them to divide at once. That was a game which might suit that right hon. Gentleman, but did not suit him (Mr. Reynolds) and his friends. There were certain hon. Members on his side of the House who were prepared to speak against the Motion, though they might not be prepared to vote against it, but who wished to speak with reference to the Motion itself. But he could not omit addressing the House with reference to the remarks of the hon. Member for North Warwickshire, who stated that certain motives had been imputed to him respecting this Motion by various hon. Members, but made an exception in favour of the hon. and gallant Member for Ennis. [The O'Gorman Mahon: Hear!] He perceived the hon. Gentleman cheered the word "gallant." When he (Mr. Reyholds) had the honour of last addressing the House upon the Motion for an adjournment, he was followed by the hon. Member for Ennis, who took him to task in very unmeasured terms. He spoke of his (Mr. Reynolds') manner and of his language, and he talked a great deal of what they called, in Ireland, "tall English;" and he certainly made use also of a good deal of bad French. But, passing from his manner, he would proceed to his matter; and he (Mr. Reynolds) took that opportunity of telling him that the letter of credit he attempted to draw in favour of the hon. Member for North Warwickshire was not accepted by him. The hon. Member for Ennis stated that he (Mr. Reynolds), as a Roman Catholic, had a right to be thankful to the hon. Member for North Warwickshire for his liberality to his (Mr. Reynolds') creed. He (Mr. Reynolds) had searched the Journals of this House, and he found that, since the hon. Gentleman (Mr. Spooner) had had a seat in that House, upon every occasion he had recorded his vote against his (Mr. Reynolds') creed and country; and that when the Bill was brought in to endow Maynooth with 26,000*l*. a year, he voted against it. He (Mr. Reynolds) also found, that during the debates on the Ecclesiastical Titles Act, there were fifty-five divisions, and the hon. Member (Mr. Spooner) had voted in fifty of them at least. The hon. Gentleman had, in fact, voted for all the obnoxious and insulting clauses—he voted for the clause which he (Mr. Reynolds) designated as the Walpole clause, and he voted for the Thesiger clause, and the common informer clause; and after all that, he (Mr. Reynolds) wanted to know how the hon. Member for Ennis could stand up and state that the hon. Member for North Warwickshire was a friend to the Catholic Church? He was not blaming the hon. Member for his votes; he conceded to him what he claimed for himself—sincerity in every vote which he gave; but he protested against an Irish Roman Catholic Member throwing the mantle of his protection over an hon. Member who never omitted an opportunity to insult his creed. He had a right to enter his protest against that, and he hoped the hon. Gentleman (The O'Gorman Mahon) would take that opportunity of retracting what he had said. He invited him now before this House, and before the country, to lay his hand upon any one vote by which the hon. Member (Mr. Spooner) voted in favour of the Roman Catholics of Ireland, or an extension of their liberties. With reference to the question of adjournment, he (Mr. Reynolds) made no objection to the debate being resumed at six o'clock, or from day to day till the debate was finished. He would only express a hope that if the Committee were granted, the House would spare the Catholics of Ireland the pain of seeing the hon. Gentleman (Mr. Spooner) chairman of that Committee; but if he should be appointed to that position, he hoped they would make the hon. Member for Ennis vice-chairman.

MR. T. DUNCOMBE said, it appeared to him that they ought, in the first instance, to decide whether they would adjourn till to-morrow; because if they did not so adjourn, the debate might be resumed this day. He had himself a Motion on the paper for that evening upon a question which might not appear from its name to be a very interesting one—namely, the repeal of the post-horse duty; and if the hon. Member for Lambeth (Mr. D'Eyncourt) did not feel inclined to give way, he (Mr. Duncombe) should consider it his duty to proceed with his own Motion. He did not feel disposed to give way to the purpose of affording the bigots of the House an opportunity of inflicting pain on his Roman Catholic friends, and insulting Ireland. He did not see what was to be gained by a continuation of that discussion. If a Motion were made for repealing the grant to Maynooth, and all other grants by the State for religious purposes, he should give to it his best support; but he would not vote for any proposal of a less general character. The mind of the country was already made up upon the subject of the Maynooth grant; and the hon. Gentleman the Member for North Warwickshire had no doubt already made up his mind with respect to it. The hon. Member would repeal the grant to Maynooth. [Mr. SPOONER intimated assent.] Then why did not the hon. Member at once propose that? His hon. Friend the Member for Youghal (Mr. Anstey) had given notice of a Motion for the repeal of all grants by the State for religious purposes; and if hon. Gentlemen opposite wished to see the Maynooth grant abolished, they had only to support that Motion.

LORD ROBERT GROSVENOR said, that for his part he was prepared to concur in the proposal of the right hon. Gentleman the Chancellor of the Exchequer, and to proceed at once to a division on the main question then under their consideration; but as several Roman Catholic Members wished to have an opportunity of addressing the House on the subject, he did not see how they could well adopt the suggestion. In the present state of the Session it was very desirable that they should not take into consideration any measures that were not really practicable; and if such measures were brought forward by independent Members of the House, there would be no use in attempting to reproach Ministers for not immediately proceeding to a dissolution. With great respect for his hon. Friend the Member for Lambeth (Mr. D'Eyncourt), he would suggest that his Motion for leave to bring in a Bill to shorten the duration of Parliaments, which stood on the paper for that evening, was, for the present, at least, one of an impracticable character. It was, in fact, one of those great measures of reform which could only be properly considered by a new Parliament. But the Motion of which he (Lord R. Grosvenor) had given notice for that evening—for the repeal of the attorneys' certificate duty—was one of a very different description. It had already received the support of a large majority of that House; and every hon. Member was aware that the discussions upon it had never occupied more than an hour or an hour and a half. He would, therefore, venture to propose that that Motion should be taken first after the reassembling of the House that evening; and after that they might proceed with the adjourned debate. [Mr. T. DUNCOMBE: No; then with my Motion.] The only alternative he could propose was that the Government should allow him to bring on his Motion as the first one on Thursday, or on Friday next. Upon that understanding he would be perfectly ready to postpone his Motion that evening.

The O'GORMAN MAHON said, after the marked allusion which had been made to him by the hon. Member for Dublin (Mr. Reynolds), he trusted the House would indulge him for a few moments. The other night, on a Motion of adjournment, the hon. Member went into a variety of subjects having no relation whatever to the discussion before the House. The course pursued by the hon. Member excited a good deal of indignation; and he suggested to the hon. Member in the most friendly spirit that it would be better for his own sake to return to the question. Upon that appeal, which was made in the best spirit imaginable, he was met by such deportment and language as was not usual when friendly communications were meant. It was then that he was under the necessity of standing up and giving to the House what he conceived to be the very reverse of an accurate description of the course pursued by the hon. Gentleman. He suggested that the hon. Member had displayed elegance, amiability, and language of the most exquisite taste. It had been said with respect to the originator of the Motion now before the House that he had pursued a certain course from a feeling antagonistic to the Roman Catholic religion; and in the absence of the hon. Member he had thought it only fair to state that on former occasions the hon. Member had rendered essential service to the Roman Catholic cause. He now repeated that assertion. He stated that when the hon. Member for Dublin was nowhere, and far removed from any connexion with the Roman Catholic body, he (The O'Gorman Mahon) and other Roman Catholic gentlemen in this country received essential benefit from the hon. Gentleman (Mr. Spooner). He never stated that the hon. Gentleman had voted on the subject, because the hon. Gentleman was not in the House at the time; but it was notorious that outside the House he agitated for the advancement of the great Catholic question, and there was no inconsistency in his pursuing the course he had since done. That was what he (The O'Gorman Mahon) had stated, and would not retract. He had been asked by the hon. Member for Dublin to retract his observations, and should retract one portion of them with great pleasure. He promised the hon. Member impunity whenever he should presume to address him as he did on that occasion, but he now retracted that promise. He also attributed to the hon. Gentleman a course of gentlemanly deportment, a manly and elegant phraseology, and a charming *tout ensemble*, with which the hon. Member now found fault in such a manner as to show himself a *maître de langues*. The hon. Member called upon him to withdraw that gentlemanly description of his conduct, and he did withdraw it most heartily and willingly.

MR. CHISHOLM ANSTEY said, the idea of adjourning this question till after the notices of Motion were disposed of, was a mere mockery; and therefore, as an Amendment, he would move that it be adjourned till half-past six o'clock, then to come on before the notices of Motion.

MR. SPEAKER stated that the proposition now made by the hon. and learned Gentleman was not consistent with the rules of the House, which had already ordered that notices of Motion should have precedence. The Motion that this debate be adjourned till after the Orders of the Day was correct; but the notices of Motion and Orders of the Day could be postponed if the House and those who had charge of them should agree to such an arrangement, and the adjourned debate could then be resumed.

MR. CHISHOLM ANSTEY said, as it was clear his Motion was irregular, he should propose another. The hon. Member for Lambeth would not give way; and it was probable that Her Majesty's Ministers would not accede to the condition on which alone the noble Lord the Member for Middlesex offered to give way—namely, that a day should be fixed during the present week for the discussion of his Motion. Probably they would refuse the same indulgence to the hon. Member for Finsbury; and, therefore, the noble Lord and the hon. Gentlemen who had notices of Motion would persist in bringing them on. Under these circumstances, and being anxious that the House should proceed to a division as soon as possible, he would have rather done so at once; but that course was objected to by several Gentlemen who had not addressed the House. He should move that the debate be resumed to-morrow.

Amendment proposed, to leave out the words "after the Orders of the Day this day" in order to add the words "To-morrow" instead thereof.

MR. REYNOLDS observed that it would be futile to adjourn the debate to any future day, unless an hour was specially fixed for its resumption. He begged to be allowed to offer a few remarks with reference to certain observations that had fallen from the hon. Member for Ennis. [*Loud cries of* "No, no!"] He wished it to be distinctly understood that he was not aware that that hon. Gentleman had undertaken to lecture him. ["Oh, oh!" "Question!"] He threw himself on the indulgence of the House, and hoped they would permit him to say a few words by way of explanation. He was not aware that the hon. Member had undertaken to lecture him. He had, indeed, heard the hon. Member interrupt him in a manner which he (Mr. Reynolds) would not designate, because it would be disorderly to do so; but as to the hon. Gentleman's talk about granting or refusing him impunity, he begged the hon. Gentleman to understand that he wanted no impunity from him. He (Mr. Reynolds) would ever claim the right of expressing his feelings and opinions in an orderly manner in that House, and that right he was determined to exercise, notwithstanding the heroic and military aspect of the hon. Gentleman; and notwithstanding that the hon. Gentleman might invite him (an invitation which he would probably decline) to accept a return ticket to Weybridge. In conclusion, he would only say that if the hon. Gentleman could give no better proof of his zeal in defence of the cause which he had been sent there to protect, than by pursuing a course of conduct which might, in plain English, be interpreted into an attempt to "bully," he would render no very valuable service to his constituents. At all events, he would tell the hon. Gentleman that he had mistaken him (Mr. Reynolds) if he supposed that he was to be terrified by any such behaviour on the part of the hon. Gentleman.

The O'GORMAN MAHON rose, and was about to address the House; but Mr. Speaker deciding against him, the hon. Member resumed his seat.

MR. TENNYSON D'EYNCOURT said, that he had already stated that he did not think he ought to be called upon to give way on the reassembling of the House, but he had added that he would be prepared to yield to a general wish on the part of hon. Members. It appeared, however, that his noble Friend the Member for Middlesex meant in any case to proceed with his Motion; so that there could be no advantage gained by his (Mr. D'Eyncourt's) not going on with the one which stood in his name.

MR. KEOGH said, it must be within the knowledge of the hon. Member for North Warwickshire that before putting his Motion on the books of the House, he had the consent and concurrence of at least one right hon. Gentleman opposite. In the progress of the debate another right hon. Gentleman gave the Motion his concurrence; and this day the House had heard from the right hon. and learned Attorney General for Ireland, that he considered it the duty of the Government to advance the inquiry by every means in their power. He (Mr. Keogh) believed he was right in saying, that to all intents and purposes this was a Government question. If the Motion of the hon. Member for North Warwickshire were so supported, if the Attorney General for Ireland declared at this period of the Session, knowing the probable duration of the Session, that he considered it the imperative duty of the Government to forward an inquiry, why should there be any hesitation on the part of the Government in naming a day when the matter could be proceeded with? If it were of that all-absorbing importance which was alleged, if the country from one end to the other were agitated and anxious for a decision, and the inquiry received the support of the Government, and they considered it their bounden duty to advance it, why should not the Chancellor of the Exchequer, who had adopted the question and made it a Government measure, propose a fitting day for its discussion, without calling on hon. Members upon this side of the House to abandon their Motions in order to further a conclusion in which they did not concur? If Ministers wished to act in a straightforward manner, and not, as on many other questions, to play fast and loose, they ought to give way.

The CHANCELLOR OF THE EXCHEQUER begged to remind the House that it was entirely through his suggestion that the debate had taken place that day. It was he who had proposed that Tuesday morning should be set aside for that purpose; but he had explained that, for reasons which he believed were satisfactory to the whole House, it would be quite impossible for the Government to allocate any of the few days now remaining of the Session to any debate not connected with the most pressing necessities of public business. For his own part, he should wish the debate to be pursued that afternoon, provided they should then come to a division; but there appeared to be a determination on the part of hon. Gentleman opposite not to divide. Hon. Members must decide the matter for themselves. His suggestion was, that the House should proceed to divide at once on the main question; but if they would not do so, he could not, on the part of the Government, offer them any assistance by setting aside another day for the resumption of the discussion.

Mr. VINCENT SCULLY stated that he represented that constituency in Ireland which was most interested in a continuance of the grant to Maynooth, and he should not wish the debate to conclude without having an opportunity of expressing his views in regard to the proposed inquiry. He concurred with the hon. Member for Finsbury in thinking that no useful or charitable object could be attained either by the proposed inquiry, or by a continuance of the debate upon it, unless, indeed, it were thought a useful purpose to kindle sectarian strife and religious rancour. But if an inquiry were to take place, he and other Catholic Members would desire to have a most full and ample discussion. But neither he, nor they, nor the Catholic people of Ireland, had any wish whatever to increase those feelings of religious animosity which had already been created between the inhabitants of the three kingdoms; and, therefore, whilst he challenged and defied all inquiry into the system of education pursued at Maynooth, he did not invite it, but, on the contrary, would regard it as an unnecessary and uncalled-for insult. His own sentiments in respect to the inquiry had been already expressed in very emphatic terms by the present Premier, then Lord Stanley, in a speech delivered by him in the year 1845, when he strenuously opposed a similar Motion for an inquiry, made in the House of Lords, as an Amendment to the Bill of Sir Robert Peel, for an increase of the grant. With the permission of the House, he would read a passage from that remarkable speech:—

> "If the inquiry was useless, it would not be merely useless. If they entered upon that inquiry—if, in prosecuting it, they called before them the various officers of the college, and the evidence which the noble Lords who proposed an inquiry were prepared to produce, for the purpose of proving that this or that objectionable passage was to be found in the text books used at Maynooth, or that this or that doctrine was there inculcated, the only result of such inquiry would be an incessant, constant, and daily-increasing acerbity, and an exaggeration of all the religious rancour and animosity which remained between different portions of the community. No one asserted that he knew or believed that Maynooth did not uphold the doctrine of allegiance to the Crown."

These were his own sentiments in regard to the sham inquiry now proposed; and it appeared to him difficult to account for Lord Derby's recent declarations, that he had "no present intentions" in regard to the grant to Maynooth, and that he regarded the continuance of that grant as "a question of pure policy, as to which the Government should be free to act, without reference to any abstract principle of right or wrong." As the House was impatient to come to a division, he should not detain it any longer at present, hoping he would have the opportunity of expressing his views more fully on a future occasion.

Sir ARCHIBALD CAMPBELL suggested that the debate might be resumed on Thursday or Friday.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 278; Noes 58: Majority 220.

List of the Ayes.

Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Arbuthnott, hon. H.
Arkwright, G.
Bagot, hon. W.
Bailey, C.
Bailey, J.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Beckett, W.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, rt. hon. W.
Berkeley, C. L. G.
Bernal, R.
Best, J.
Blair, S.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brisco, M.
Brockman, E. D.
Brooke, Sir A. B.
Brotherton, J.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, E. H.
Burghley, Lord
Burroughes, H. N.
Butt, I.
Buxton, Sir E. N.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, W. G.
Chaplin, W. J.
Child, S.
Cholmeley, Sir M.
Christopher, rt. hn. R. A.
Christy, S.
Clay, J.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Cogan, W. H. F.
Coles, H. B.
Collins, T.
Colvile, C. R.
Conolly, T.
Copeland, Ald.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Cubitt, Ald.
Damer, hon. Col.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawes, E.
Dawson, hon. T. V.
Deedes, W.

Dick, Q.
Disraeli, rt. hon. B.
Douglas, Sir C. E.
Douro, Marq. of
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Elliot, hon. J. E.
Emlyn, Visct.
Euston, Earl of
Evans, W.
Evelyn, W. J.
Ewart, W.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forester, rt. hon. Col.
Forster, M.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Gooch, Sir E. S.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grogan, E.
Grosvenor, Earl
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Hardcastle, J. A.
Hardinge, hon. C. S.
Harris, hon. Capt.
Harris, R.
Hatchell, rt. hon. J.
Hayes, Sir E.
Headlam, T. E.
Heathcote, Sir G. J.
Heneage, E.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Heywood J.
Hildyard, R. C.
Hindley, C.
Hodges, T. L.
Hodgson, W. N.
Hope, Sir J.
Hope, H. T.
Hotham, Lord
Howard, Sir R.
Hudson, G.
Hume, J.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
Johnstone, Sir J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Kinnaird, hon. A. F.
Knox, hon. W. S.
Lacy, H. C.
Langton, W. G.
Laslett, W.
Legh, G. C.
Lewisham, Visct.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopez, Sir R.
M'Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Masterman, J.
Maunsell, T. P.
Melgund, Visct.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milligan, R.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Molesworth, Sir W.
Moody, C. A.
Morgan, O.
Morris, D.
Mowatt, F.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hon. Sir J.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Pennant, hon. Col.
Pigot, F.
Pinney, W.
Portal, M.
Powlett, Lord W.
Prime, R.
Pusey, P.
Renton, J. C.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Romilly, Sir J.
Rushout, Capt.
Salwey, Col.
Sandars, G.
Sandars, J.
Scobell, Capt.
Scott, hon. F.
Seaham, Visct.
Seymour, Lord
Sibthorp, Col.
Sidney, Ald.
Smith, rt. hon. R. V.
Smollett, A.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. W. O.
Stewart, Adm.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sutton, J. H. M.
Tennent, R. J.
Thesiger, Sir F.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Villiers, Visct.
Vivian, J. E.
Vivian, J. H.
Vyse, R. H. R. H.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Whiteside, J.
Whitmore, T. C.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Wilson, J.
Wood, Sir W. P.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wynn, H. W. W.
Wyvill, M.

TELLERS.
Mackenzie, W. F.
Bateson, T.

List of the NOES.

Armstrong, Sir A.
Barron, Sir H. W.
Bell, J.
Bouverie, hon. E. P.
Brown, H.
Bruce, Lord E.
Campbell, Sir A. I.
Cavendish, hon. G. H.
Clay, Sir W.
Currie, R.
D'Eyncourt, rt. hon. C. T.
Duff, J.
Duncan, Visct.
Duncombe, T.
Ellice, E.
Fortescue, C.
Fox, R. M.
Goold, W.
Greene, J.
Grosvenor, Lord R.
Hastie, A.
Heard, J. I.
Heyworth, L.
Hope, A.
Horsman, E.
Howard, P. H.
Hutchins, E. J.
Keating, R.
Keogh, W.
M'Gregor, J.
Meagher, T.
Martin, J.
Murphy, F. S.
Norreys, Sir D. J.
Nugent, Sir P.
O'Flaherty, A.
Oswald, A.
Pechell, Sir G. B.
Philips, Sir G. R.
Pilkington, J.
Reynolds, J.
Robartes, T. J. A.
Scholefield, W.
Scully, F.
Scully, V.
Seymour, H. D.
Smith, J. A.
Smythe, hon. G.
Somers, J. P.
Stansfield, W. R. C.
Sullivan, M.
Tenison, E. K.
Wakley, T.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.

TELLERS.
Anstey, T. C.
The O'Gorman Mahon

Main Question put, and *agreed to;* Debate *further adjourned* till after the Orders of the Day, *this day.*

ADJOURNMENT—THE DERBY DAY.

VISCOUNT PALMERSTON said, there were proposals sometimes made to the

House which the longest speeches were insufficient to make the House comprehend; while, on the other hand, there were now and then Motions capable of being comprehended by the House without any speeches at all. The Motion which he was about to make was of the latter description. It was obvious to everybody, from circumstances which it was not his intention to go into, that they were very unlikely to have at to-morrow morning's sitting a sufficient attendance for getting through any public business, unless they had a call of the House; he had therefore to choose between the alternative of moving a call of the House, or of moving that the House should, at its rising, adjourn to Thursday next. If he were to ask hon. Members to agree to a call of the House for to-morrow, he would have no chance of carrying such a Motion; but he did hope that he should be more fortunate if he ventured to move that the House, at its rising that evening, should adjourn till Thursday next.

Motion made, and Question proposed, "That this House will, at the rising of the House this day, adjourn till Thursday next."

MR. SHARMAN CRAWFORD felt himself under the necessity of opposing the Motion. There was a very important subject on the Orders for to-morrow.

The Question having been put,

MR. ANSTEY said, that, in order that the House might have an opportunity of deciding between duty to Maynooth and the pleasures of the Derby, he should move that this debate also be adjourned till after the other Orders of the Day this day.

The O'GORMAN MAHON said, it was quite obvious that, unless the House consented to the proposition made in the early part of the evening, they would be occupied uselessly for the whole of the night, as it was the determination of Irish Members that this debate should be fairly gone through. If it were attempted to throw them over, it would only increase the irritation that at present existed on the subject both in and out of doors.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 43; Noes 212: Majority 169.

Main Question put.

The House *divided*:—Ayes 190; Noes 47: Majority 143.

CAPTAIN FITZROY said, after the long time the Speaker had occupied the chair that day, he thought they were bound to consult his comfort and convenience to some extent, and begged to move that the House do now adjourn till Thursday next.

MR. CHISHOLM ANSTEY did not rise to oppose the Motion, nor should he have opposed it now, but he wished that note should be taken of the fact, that if they agreed to that Motion, the Order for resuming the adjourned debate on Maynooth would become a dropped order, and the debate could not be resumed during the present Session. That was what the party opposite wished; and it was clear that the Derby element prevailed over the Protestant interest. It would deprive them of the opportunity of resuming the debate, which, out of consideration to the Chair, they proposed not to resume that night.

MR. NEWDEGATE said, the hon. Member would have it go forth that, because hon. Members wanted to go to the Derby, therefore they did not wish the debate to be resumed. He appealed to the experience of hon. Members whether the custom had not been for many years that the House had adjourned over the Derby day, because it was found that jobs were perpetrated on that day. Now, he accused the hon. and learned Member for Youghal of endeavouring to bring on the adjourned debate on Maynooth on the Derby day for the purpose of quashing it, because he counted upon there being then a thin attendance.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 89; Noes 128: Majority 39.

Mr. Speaker then left the Chair until eight o'clock.

House resumed at Eight o'clock.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at Eight o'clock till Thursday.

HOUSE OF LORDS,

Thursday, May 27, 1852.

MINUTES.] PUBLIC BILL. — 2^a Registration of Births, Deaths, and Marriages.

Reported.—Property of Lunatics; Stamp Duties (Ireland); Master in Chancery Abolition; Improvement of the Jurisdiction of Equity Turnpike Roads (Ireland).

3^a Common Law Procedure Amendment; Property Tax Continuance.

THE CASE OF MR. MATHER.

EARL FITZWILLIAM begged to recal the attention of the noble Earl the Secre tary for Foreign Affairs to a question he had addressed to him a fortnight ago with respect to the case of a person who had experienced some degree of ill treatment from some soldiers of the Austrian Government. If the noble Earl would furnish any information to their Lordships on the subject, it would obviate the necessity of again adverting to it.

The EARL of MALMESBURY: My Lords, I presume the noble Earl alludes to the case of Mr. Mather, who was cut down by an Austrian officer at Florence some three or four months ago. I am glad to have to inform the noble Earl and your Lordships that a negotiation, which was the subject of considerable anxiety on the part of Mr. Scarlett, our *Chargé d'Affaires* at Florence, has been going on between that gentleman and the Austrian authorities, and that he has brought it to a conclusion. With respect to this offence committed on Mr. Mather, as it affects our national pride and honour, I may state that long ago the Austrian Government assured the Government of this country that no anti-national feeling actuated the officer who behaved so cruelly towards Mr. Mather—that no anti-English feeling whatever animated that person, and that the Austrian Government greatly regretted what had occurred. They stated, moreover, that this outrage was the result of fortuitous circumstances, and arose from the accident of the moment. Your Lordships may be aware that no official communication with the Austrian Government has taken place from the beginning. The communication has been with the Tuscan, and not the Austrian Government; and the noble Earl who preceded me in office was of opinion that reparation ought to be insisted on from that Government. Negotiations ensued, and they have resulted in the Tuscan Government giving to Mr. Mather pecuniary compensation for the injury sustained; and the sum awarded is, as far as Mr. Scarlett could judge, equivalent to the amount Mr. Mather would have received as damages in compensation, had he, under similar circumstances, applied to an English court of justice.

USE OF THE WELCH LANGUAGE IN COURTS OF JUSTICE.

The EARL of POWIS called the attention of the Lord Chancellor to the report of the trial of John Joseph Corley, at the Monmouthshire assizes, on the 26th of March last, which represented the Judge of Assize to have stated to a witness, who desired to be examined in Welch, that he would not allow her expenses if she did not speak English. It had been stated that this witness, who was the wife of a respectable farmer, had only claimed the right of being examined, and of speaking in Welch, because she wished to fence with the question; but this he utterly denied, and claimed for her, as a native of the Principality, the right of being examined in her own language. He justified her claim on this ground: Ever since the time of the late Lord Castlereagh, we had claimed and maintained our right to address the despatches of the English Government to foreign Courts in the English language, in order that we might not be involved in difficulties by having expressed our meaning erroneously in a foreign language. On the same ground he claimed for the natives of Wales the right to give their evidence in the language which they knew best, and in which they were the least likely to make unintentional mistakes. He called upon the noble and learned Lord upon the woolsack to explain the position of the law on this question, and to state whether the natives of Wales were not entitled, as a matter of right, to be examined by means of an interpreter in the Welch language in courts of justice, when called upon to give evidence, if they demanded it. In making this Motion, he by no means intended to impeach the administration of justice in Wales by English Judges, or to cast any slur upon the learned Judge who had conducted this trial.

The LORD CHANCELLOR, after reading the notice given by the noble Earl, observed, that that being the only question to which he was prepared to reply, he declined to give an off-hand answer to the abstract topics which the noble Earl had just mooted, namely, as to the right of the natives of Wales to be examined in the Welch tongue. He had had a communication with the learned Judge who presided at the trial to which the noble Earl had alluded; and a more learned, enlightened, and excellent Judge was not to be found on the bench of justice, nor one more anxious to give every advantage to the poor suitor. The explanation of that learned Judge appeared to him to be quite satisfactory. He stated it to be his opinion that it was important to the pure administration of justice in the Welch counties that witnesses who understood English should be made to give their testimony in

English. He had found from experience that the natives of Wales often pretended to know no English when they knew it well enough, and insisted on being examined in Welch through an interpreter; and it was necessary, in order to induce them to speak English, to be told that they would not be allowed their expenses unless they did so. In the present case the Judge had told the witness, who undoubtedly understood English—for she answered his communications in that language—that, if she did not speak English, he would not allow her any expenses. She insisted, however, on speaking in Welch, and afterwards claimed and received her expenses. He was afraid that the result of this brief discussion would be this—that Welch witnesses, who could speak English, would hereafter refuse to do so.

Lord CAMPBELL defended the conduct of the learned Judge who presided at the trial, and reminded their Lordships that ever since the reign of Henry VII., Monmouthshire had been an English and not a Welch county.

Lord DYNEVOR said, that much time and much trouble would be saved in the administration of justice by examining Welch witnesses in the Welch language. Besides, justice could not be fairly administered in the Welch counties unless some latitude were allowed to witnesses in this respect. It was true that Monmouthshire was now an English county; but in one-half of it, that is to say, the mountainous districts, the Welch language was more used than the English. The witness in this case might have been—he did not say that she was—a most material witness, either for the prosecution or the defence; and it was therefore important that she should have the power of selecting the language which she understood best, and with which she was most familiar, as that in which she would give her evidence. He himself understood Welch enough to read it, and to converse in it with the peasantry; but if he were going to be examined in a Welch court of justice on any matter of importance, he should claim for himself the right of being examined in English, and of having his evidence explained to the jury by means of an interpreter. If such should be his determination, how much more likely was it that it should be the determination of a half-ignorant and half-educated person, like this farmer's wife, whom he understood to be a very well-conducted and respectable woman?

COMMON LAW PROCEDURE AMENDMENT BILL.

Order of the Day for the Third Reading read.

Lord TRURO: The Bill which I present for your Lordships' adoption proposes an entire change in every step of a Common Law suit; from the first process, calling upon the defendant to appear, to the process by which the plaintiff is to obtain the fruits of a judgment in his favour. Simplicity in form, economy in expense, and expedition in decision, are the great objects which the Bill is designed to accomplish. That the Bill will attain those advantages in the greatest possible degree, I do not expect; but I solicit your Lordships' adoption of it, with the most confident expectation that the ends proposed will result from its becoming the law in as great a degree, and with as much certainty, as ever followed any remedial Bill passed by Parliament. That confidence is warranted by the circumstances which have attended its preparation. The evils which it is prepared to remedy were obvious and certain; the individuals who undertook the task of amendment were learned, cautious, and experienced men. The measure has been framed with the greatest deliberation and care, and with all the aids which the intelligence and knowledge of the Bench of Judges and of the profession at large could lend. Your Lordships are aware that Her Majesty was advised to issue a Commission to six gentleman to inquire and ascertain whether any, and what, alterations and amendments could be made for the better administration of justice in the process, practice, and system of pleading in the Superior Courts of Common Law at Westminster. The gentlemen who were appointed to discharge the onerous and important duty imposed by the Commission, patriotically undertook that duty gratuitously, and, at great personal labour and sacrifice, most efficiently performed it. I shall not detain your Lordships by stating the course and substance of their Report, as I presented it to your Lordships' notice when I brought in the Bill. It is enough, upon the present occasion, to say that it gave a succinct account of the whole course of procedure in a Common Law suit, pointing to the object, the merits, and the defects of each step. After their Report was published, full opportunity was afforded for the consideration of it by the profession, and numerous suggestions were received from various quarters; and after full consideration of all these suggestions, I engaged a gentleman of great talent, who has given the most indubitable pledge of his future eminence in his profession—Mr. Holland—to embody, in the form of a Bill, the result of the Report and the recommendations of the Commissioners, and of such suggestions as it was thought it would be expedient to adopt; and one of the most eminent of the Commissioners kindly and public-spiritedly lent his valuable aid from time to time during the preparation of the Bill; I mean Mr. Willes, a gentleman second to no man in the profession in talent and learning. After the Bill was prepared, I submitted it to the consideration of the Judges, of whose anxiety to improve the law, and to render it as practically perfect as possible, they have given constant and abundant proof; and their valuable suggestions have largely contributed to the efficiency of the present Bill. The Bill was afterwards widely circulated, and, since it has been upon the table, it has received the most considerate attention of the noble and learned Lords who are Members of your Lordships' House, in communication with the Judges and some of the Commissioners; and, since those communications, it has been minutely discussed, clause by clause, in the Select Committee to which your Lordships referred the Bill. It is under these circumstances that the Bill is now presented to your Lordships for the third reading. My Lords, since the time of Edward I., the course of procedure in the Common Law has never had the like revision or consideration. When writing of that illustrious reign, Sir Matthew Hale said—

> "The law *quasi per saltum* obtained a very great perfection. Pleadings were short, eminently good, and perspicuous. The short and pithy pleadings and judgments did far better to render the sense of the business and the reasons thereof, than those, long, intricate, perplexed, and formal pleadings that oftentimes of late are unnecessarily used."

That evil of which Sir Matthew Hale complained has increased as time has progressed; and the object of this Bill is to restore that ancient state of pleading and procedure which Sir Matthew Hale eulogises, and ascribes to the period I have mentioned. And I repeat that the object of every alteration that has been made in the course of procedure, has been to make the progress of a suit as short, economical, and simple as is compatible with the safe and satisfactory administration of justice, and dispensing with as much of form as that course of justice will admit. Important and beneficial as this Bill will undoubtedly prove, much yet remains to be done to further the general object; but experience alone will dictate by what course that can be done; and in order to secure to the public as early as possible the benefit of that experience, power is reserved to the learned Judges, under due and cautious restrictions, to apply their improved knowledge to remedy the imperfections and supply the defects that may be discovered in the practical working of the measure. I have now only to pray of your Lordships to bestow this great boon upon the country, and, by so doing, entitle the House to the most grateful thanks of the country. My Lords, I regret to have occasion to express my surprise that a difficulty should have occurred at the Treasury in regard to the payment of the fee of 200 guineas which I had assigned to Mr. Holland for the preparation of the Bill. A fee so small, that it would have been an insult to have offered it to any gentleman in the name of compensation for the application of the talent, time, and labour which this Bill demanded, had been named before the nature of this proposed Bill had been ascertained; and, I presume from mistake, objection has been made in some quarters to pay more than that small fee. I shall at all events see that the fee I assigned is paid; but I cannot believe that any demur will be made at the Treasury when the circumstances are understood. After the Bill shall have been read a third time, I shall move the insertion of an additional clause under the following circumstances. It appears that in the County Courts, when a warrant is issued to levy execution on the goods of a defendant, or, in case of there being no goods, to imprison him for a certain number of days, according to the amount of his debt, it is required to be executed by the officer of the District Court within which the plaint has been brought; but in case the defendant removes out of that jurisdiction, the warrant cannot be executed. This difficulty is supposed to arise from some inadvertency in the preparation of the late Act which extended the jurisdiction of the County Courts from 20*l.* to 50*l.* I have prepared a clause to remedy this supposed defect, by which it is proposed to enact, that on the verification of the warrants by the County Courts, the Judges of the Superior Courts may authorise execution of the process in the county or district into which the defendant may have removed, subject, however, to the same fees only which are exacted by the County Court.

Moved, "That the Bill be now read 3°."

Lord DENMAN said, that he was exceedingly happy to bear his humble testimony to the truth of his noble and learned Friend's statements with respect both to the merits of this measure and of the Commissioners by whom it had been prepared; the latter were men of the highest ability, and they had performed the duties entrusted to them in a manner most creditable to themselves, and most advantageous to the country. He thought, however, that the Select Committee of their Lordships' House to which this Bill was referred, and of which his noble and learned Friend (Lord Truro) was the Chairman, should also have received some portion of his praise, for they had certainly improved the Bill most materially by their Amendments. He was convinced that he should be doing a great public evil if he were to introduce into the Bill anything which might produce delay in the passing of it; he trusted, however, that the same feeling which induced him to make that declaration, would induce others elsewhere to withdraw all frivolous or mere technical objections to this measure, and that the measure would become the law of the land with the least possible delay. He would, however, suggest one or two Amendments. One was with regard to the proceedings in actions of trover. Here, although the real grievance was that the plaintiff had been wrongfully deprived of his own goods, he was obliged to allege a wrongful conversion of them upon the part of the defendant; and questions often arose as to whether there had been a conversion. He proposed, therefore, in cases of this kind, to substitute an allegation that the defendant had "wrongfully deprived the plaintiff of the use and possession of his goods," for the one that he had "wrongfully converted" them. The Commissioners had also recommended the abolition of the forms of actions, and that there should be one definite form under which all claims of compensation for wrong suffered, should be tried. He (Lord Denman) thought this a most desirable reform. He did not propose any Amendments, however, with the view of delaying the measure, but merely that they might be on record when the time came (as come it must) to propose Amendments in a Bill of so extensive a character as the present.

Lord CAMPBELL said, he felt assured that the approbation expressed by his noble and learned Friend would facilitate its progress through the other House of Parliament. The Bill, probably, was not a piece of absolute perfection; but it would effect vast improvements in our civil procedure. It certainly left room for further improvement, and he heartily concurred with his noble and learned Friend in the Amendment of which he had given notice; and he thought it would be a great improvement to proceed by way of claim and answer in the action of ejectment.

The Earl of WICKLOW complained that the operation of this Bill was limited to England, and was not extended to Ireland, although the Common Law was the same in both countries. He thought it was unjust to adopt the laws for the improvement of the practice in one country, and not in the other, when the law had been previously common to both; and he hoped that a Bill would be introduced to extend the improvements contained in this Act to Ireland.

The Earl of CARLISLE said, that a Bill was passed two Sessions ago for the amendment of the Common Law procedure in Ireland; and this was supposed to have anticipated many of the advantages which were now hoped to be derived in England from the Bill before the House.

Lord CRANWORTH said, that it was quite impossible to pass a Bill such as this, which should, in all its integrity, apply to both countries; for though, as a general proposition, it was true that the Common Law of both countries was the same, still if they had sought to extend a measure such as this, containing 300 clauses, and being, in fact, an absolute code, to Ireland, there would have arisen a necessity for so many exemptions, and for so much special legislation, that he thought the wiser course had been taken in applying it first to this country. If the Bill was found, as he trusted and believed it would be, to work admirably here, it would then be easy to adopt it, with such modifications as might be required, in the neighbouring country. In the meantime the neighbouring country might console themselves with the reflection, *Experimentum fiat in corpore vili.*

The LORD CHANCELLOR said, that no one could be more anxious than he that the law should be made the same in both England and Ireland; but he thought the wisest course had been taken in not at once applying this Bill to Ireland. He might just mention that the Lord Chancellor of Ireland was anxious to introduce a Bill during the present Session for the improvement of the practice of the Court of Chancery in Ireland; but he had postponed it at his (the Lord Chancellor's) request, as he had pointed out that it was desirable that the same rules should prevail in both countries, and that it was, therefore, better that the Bills now before Parliament for the reform of the Court of Chancery in England should be passed first (as no doubt they would be), and that then their operation should be extended to Ireland.

On Question, *Resolved* in the *Affirmative;* Bill read 3^{a} accordingly, with the Amendments; further Amendments made; other Amendments *moved* and *negatived ;* Bill *passed*, and sent to the Commons.

REPRESENTATION IN PARLIAMENT.

The EARL of HARROWBY presented a petition from Members of the learned Professions and others praying that in any change which might be made in the Constitution of the House of Commons, security shall be taken for the distinct and separate representation of the educated intelligence of the country. The petition, his Lordship said, was signed by many persons of the highest eminence in science and the learned professions, including such men as Sir David Brewster and Sir Benjamin Brodie. This proposal might startle by its novelty, but the circumstances of the times were such as to warrant and require some consideration for this question. He believed the general feeling in their Lordships' House, as well as a large proportion of persons in the country at large, was, that it would be better not to make any further changes in the representation in the House of Commons at all, and not to be constantly altering the machinery already in operation. At the same time, there were circumstances which from time to time compelled a consideration of the question, and it was possible that the corruption which was alleged to exist in boroughs might force it forward. The general feeling was simply, that in representation all that had to be done was to collect the opinions of the majority of the people; and this view seemed to be almost growing into an admitted axiom. But this view, if allowed to prevail, would lead to dangerous consequences. There was nothing in ancient or modern experience to encourage its adoption. The government of numbers gave no security for liberty. In a neighbouring country, universal suffrage had elected two bodies with equal powers, which, as soon as they came into existence, became antagonistic to each other, and the result had been the extinguishment of liberty, and the concentration of all authority in a single person. A majority had no natural right to govern a minority; it was purely a matter of convention. In itself it was merely the domination of the strong over the weak; only one form of tyranny; and the object of all government was to protect the weak against the strong. There was, therefore, neither right nor experience in favour of the domination of mere numbers. They must then look to other sources for representation. It was of no use disguising it from themselves, that the House of Commons was no longer, as in its earlier days, a mere taxing body, but that it was practically the great instrument of government—in fact and truth the Government of this country itself; and it must not be lost sight of that the Government of this country was no longer a municipal Government—was no longer a merely English Government. It was now the Government of the greatest, the most complicated empire the world had ever seen ; and thus obviously, if we sought, in our representative system, no more than the representation of our own internal, perhaps even our national interests, passions, and feelings, we were in danger of neglecting altogether those considerations which arose out of our colonial connexions. He was not now criticising the Reform Bill ; but it was certain that under the previous system, gentlemen who were the indirect representatives of the Colonies, had been enabled to obtain seats in Parliament; while under the present system such persons would seek in vain to obtain entrance to the House of Commons. Indeed, attention to Colonial questions had already in several instances been made a reproach instead of a recommendation to candidates before a popular constituency. Since the Reform Bill, representation, and consequently the character of the Government, were matters entirely in the hands of constituencies more or less populous; and the necessary result of that was, that candidates for election recommended themselves to one or other section of such constituencies by topics specially interesting to them, to the neglect of the general interests of the Empire, and by professing what were termed extreme opinions on these topics one way or the other. Hence men of temperate natures, matured thought, and moderate opinions — precisely that class of men who would constitute some of the noblest, the most valuable, elements of a representative body — were practically excluded from public life. When a gentleman went down to present himself to a constituency, he insensibly, and as it were instinctively, adopted the tone requisite to recommend him to the crowd he was about to canvass. He was, for instance, violently against the Maynooth endowment; or, on the other hand, he was as violently against meddling with it. He was a furious Protectionist; or he was as furious a Free-trader. Moderation found no place; every conviction was passionately expressed, and to this or that policy in its extremest form, every man came into the House of Commons pledged. This was the undoubted character of the present system; and the result was, the creation of a House of Commons which had less the character of a deliberative assembly than it was desirable that it should have. He was not unaware of the difficulty of avoiding these consequences, and of providing for such an infusion into the House of Commons as he had suggested. It was impossible, of course, to return to the rotten boroughs, through which a desirable class of men, unswayed by the conditions now imposed by the populous constituencies, were passed into the House of Commons. It was impossible to return to the old system of representation, including those rotten boroughs, because the traditions on which that system was based, being destroyed, could never be restored. Such changes as would completely alter the complexion of our present system, or which in any degree were assimilated to the abolished system, could not even be suggested; and the conclusion to which he had come was, that, to effect the limited alteration which he believed alone to be attainable, no means could be so adequate as those indicated in the petition he had presented to their Lordships. The principle, although not entirely novel, inasmuch as the representation of our Universities was a precedent, yet, carried to any considerable extent, might surprise, and the details would involve considerable difficulty. But he considered it an advantage to have the subject familiarised to the public mind; for it was of the utmost importance that it should not come to be taken for granted that on any reform, nothing but the increased representation of populous political communities should be considered. This petition prayed that some security should be given that men of high intellect, philosophic grasp of mind, and statesmanlike opinions, untrammelled by the prejudices of ordinary constituencies, should be returned to Parliament; in short, that the vast constituency of learning, moderation, and dispassionate wisdom existing in the kingdom—a constituency now wholly unrepresented, and fit to exercise a most wholesome influence over the deliberations of Parliament—should find some representation in the House of Commons. It might be answered — these men have votes in their several localities, and they may exercise their privileges. No doubt. But this vast constituency was scattered: there were but tens and twenties in the various communities sending Members to Parliament; and, in consequence, their votes were utterly without influence in any one place. Why, then, should not this constituency be organised and brought together, to act together, and be represented as separate communities, so to speak, within the community? It was often contended, that the drawbacks and deficiencies on the present system were but temporary; that the system would work perfectly well when the constituencies themselves were elevated; and that for the security of the future, statesmen and patriots must trust to the education of the people. Now, this argument proceeded upon a great fallacy. Undoubtedly the people were insufficiently educated; undoubtedly their education might be greatly improved. But the mass of the people would always be those who would earn their bread by the sweat of their brow—artisans, men whose lives, however ameliorated and elevated, must be passed in manual toil; and it was obvious that, however excellent the education which might be given to or might be acquired by those men, it was impossible in the nature of things that that education could be otherwise than extremely imperfect. The education fitting a man to decide on the important interests and mighty questions involved in the government of a great nation, could never be acquired by those who, because they were earning their daily bread by daily toil, could never possess the leisure for study or for thought: therefore, he altogether denied that the education of the masses could ever be so raised as to fit them for becoming practically the sole possessors of the suffrage. Look at the conduct of the Society of Amalgamated Engineers on a recent occasion. Here was a body consisting of the best educated and the best paid class of artisans; and yet they were found attempting to enforce regulations which would have been fatal to their own interests—incompatible with the interests of their own body; and, moreover, were fraught with the greatest tyranny over the interests of others, whether above them or below them. There could not be a better example than this to show the unfitness of the class to which these engineers belonged for deciding upon intricate questions of policy or of political economy. He was in this saying nothing offensive or derogatory to the class. He did not doubt the goodness of the intentions of such persons in the views they took of national affairs. He believed them to be loyal and to be favourable to order; and he thought that such classes in this country were singularly destitute of those evil feelings which sprang from the jealousy of one class in regard to the class above it. Still he maintained that because they were without the leisure, they were without the habits of mind, qualifying them for the consideration of difficult and complicated questions, especiallly when their importance was rather remote than immediate. Moreover, however qualified, they would have their class views, class feelings, class interests; in every community they would compose the great majority, and the result of a system of representation resting on no other basis than that of the most populous communities, would be, that one class only would be represented, namely, the most numerous—all the best educated would be practically and effectively disfranchised. But if to this were added, as was often desired, a shortening of the duration of Parliament; if every Session were to be such as the present Session, that is, with an impending dissolution in prospect, with the experience of that Session before our eyes, well might it be asked, what possible security would they have for good legislation for the Empire at large? He desired particularly to direct attention to the absence, under the present system, of colonial representation. Great discouragement had been thrown by Mr. Burke upon any proposal of that kind, and the question had been little mooted since. But steam had produced great changes in the relative position of the Colonies and of the mother country; and though oceans still rolled between England and her dependencies, the distance between them was now practically as short as formerly between the extremes of these islands; and the question well deserved a fresh consideration. He thought that the importance of this question could not be exaggerated. The history of Rome seemed to him to offer a warning to this country. Under the Roman constitution there were two modes of voting: one in which the voters were taken by classes, in which the poorer citizens had their share, but only as one class; the other, in which mere numbers predominated. When the latter prevailed, all was hilarity and order; when the former, all was anarchy; and despotism was the conclusion. Another main cause of the fall of Rome, and from which also we might draw a warning, was this, that the constitution was a municipal constitution only. It was good for Rome, but good for Rome only; and when the empire extended, cohesion was wanting, and it fell to pieces. The Government of the British Empire ought to be imperial as well as municipal; and the interests and feelings of the colonies should find their representatives in some shape or other in the seat of government of the Empire. He had to apologise for these remarks, there being no distinct proposition before their Lordships; but he thought it would be an advantage to have these questions discussed. He was not advocating a change for the sake of change; for what he most feared was a system of tampering with the Constitution. What he sought was some stable and permanent system; and he thought that stability and permanence would be best guaranteed by a system which would provide a balance against the increasing democracy of the country, and preclude dangers arising from the growing importance of a House of Commons proceeding solely from populous constituencies, and constituted more and more upon the basis of simple numbers, that is, practically on the representation of one only, because the more numerous class, of the community.

Petition *presented*, and read.

The EARL of DERBY: My Lords, I do not think my noble Friend had any occasion to apologise to your Lordships for bringing under your consideration a matter in itself of the greatest importance, and which receives some importance, also, from the great respectability and weight of the names attached to the petition he has presented. The subject, indeed, is one which, perhaps, might be usefully discussed in the other House of Parliament previous to its consideration by this House. But, at the same time, I think my noble Friend has not done bad service in introducing to general consideration, both of the Parliament and of the country, the propositions contained in this petition; not asking your Lordships to pronounce any positive opinion, or to come to any decision with regard to the principles enunciated; and still less asking an opinion upon the details of any specific measure. I will not follow my noble Friend into his investigations of the first principles of popular government; but I must say, that I certainly concur in most of the observations, perhaps not in all, which he has made with respect to the present state of things in this country, the present constitution of the House of Commons, and some of the effects upon Parliament consequent upon the Reform Bill. I certainly agree with him that there has been, consequent upon that measure, and consequent upon the abolition, so far as it was abolished, of the indefensible system of rotten boroughs, an increased difficulty with respect to men not known to the public, not possessing that peculiar talent, that peculiar readiness of speech and peculiar fluency, and, withal, those extreme views which would recommend them to populous constituencies, obtaining seats in the House of Commons. I do think that, previous to the Reform Bill, there were means—not direct or regular means—by which the sense of the Colonies was represented in the House of Commons, and that there were similar means by which young men disposed to avail themselves of the advantages of a seat in Parliament, not for their own amusement, but for the service of the country, might find admission into the other House, there to make for themselves a name and a character, which would subsequently recommend them to larger constituencies. At present, and under a new system, those facilities are undoubtedly to a great extent removed; and now, speaking generally, it is necessary that the men becoming candidates for popular elections should be previously well known to the world or to the constituency, either professionally or otherwise, or that they should be prepared to recommend themselves to the electors by adopting the intemperate and usually the impracticable views of extreme parties, on one side or the other; and thus moderate men, of good sense and sound judgment, and not holding extreme opinions, may find it more difficult than it used to be, or than it should be, to find a way into the House of Commons. I also fully agree with my noble Friend, that it is not right or just, but that it is extremely inexpedient and impolitic that everything connected with the country should become a mere question of numbers. I quite believe that, in whatever manner you may distribute the constituencies of the country, however large the number you admit to the franchise, there must be always a large minority which, in a certain sense, must be left unrepresented. Nay, more; I believe that the absolute majority of the country may not be really represented; and in this way—that the majority of seats may not represent the majority of the constituents, for the majority returning may be large in one case and small in another; and the result might be, that the majorities in the smaller constituencies might neutralise the elections in the larger, and thus the majority of the constituents might be virtually unrepresented. Again, the very small majorities might equally balance the few great majorities, and then in reality and in effect there would be no great preponderance of opinion one way or the other. I confess, however, I do not see in what manner we are to escape from the dilemma. Divide constituencies as you please, you must be directed by the aggregate votes of different constituencies, and it would be impossible to take any precautions by which you could ensure a Parliament exactly reflecting the majority of those votes. But I agree with my noble Friend, that if it were necessary to enter into a new distribution of the constituencies of this country—nay more, if we were seeking to supply vacancies, or to make alterations which time and circumstances may render necessary in the state of the representation, it would then be exceedingly unwise to look merely to the question of numerical amount, without considering the other element of property, and, as far as it can be made matter of legislation, the question of intelligence. No doubt the numerical element is that which most readily commends itself to the popular opinion, and no doubt it is the one most easily ascertained. Next in the scale of facility of ascertainment is probably that of property; and that element of all others most difficult to deal with in providing a due balance, is intelligence; either in separate constituencies or by such a plan as my noble Friend suggests, proposing a certain aggregate constituency, which should be entitled to distinct representation, exclusive of property or numbers. At the same time, I am far from saying, though it may be difficult to introduce that element, that its introduction would not be desirable; and I agree with my noble Friend that, as far as practicable, it would be advantageous to consider that question of intelligence and education apart from the questions of numbers and mere property. But I am quite aware that the carrying that principle into operation would be a matter of extreme difficulty. To a certain extent that principle is acted upon in regard to the existing Universities of Oxford, Cambridge, and Dublin; and I would say that if there are other bodies sufficiently numerous (for I cannot overlook that question of numbers in considering popular representation) and sufficiently distinct in character to be placed on the same footing with the existing Universities, then I think such bodies would have a fair claim upon the Government in any reorganisation or reconstruction, or even amendment, of the existing representative system. I can assure my noble Friend that the subject has not escaped the attention of Her Majesty's Government, and even on a recent occasion they have anxiously examined the system from that point of view. But the difficulties are apparent. Take, for instance, the Scotch Universities. No doubt it is extremely desirable that the Scotch Universities should be represented in Parliament just as the English and Irish Universities are. But there are three or four separate Universities in Scotland; some of them the reverse of numerous; and all of them together not giving a very numerous constituency, supposing it to be confined to those who have graduated in those Universities. And that is not the only difficulty. I am not quite sure that the smaller Universities would receive such a proposition as a boon, for they might be apprehensive that the general interests of science would suffer in consequence of their votes being overborne by the votes of the larger Universities, who might be disposed to elect candidates for political or other reasons, rather than for reasons strictly relating to science. Then, again, there are the Inns of Court. They are a body, no doubt, capable of furnishing a most respectable and valuable constituency, and they would probably return to Parliament Members whose presence in that Assembly would be of the greatest public utility; and I don't at all mean to say that it would not be highly creditable to any lawyer to be returned, thus bearing with him the approval of his profession, who would send him into Parliament to sit as the representative of the law of England. But of all classes of the community the lawyers are precisely that class who find the least difficulty in getting into Parliament, for the tendency of the existing system is to send large numbers of professional men into the House of Commons. Lawyers are men who go on circuit, or otherwise obtain opportunities for public display; who thus form acquaintance and friends, and bring themselves into notice, and obtain means of acquiring local influence. At the same time, again, I do not at all mean to say, if any alteration were to take place, that the Inns of Court would not form a constituency very fairly entitled to consideration; and I have no doubt that the Member returned by such a constituency would reflect credit on his profession and upon Parliament. My noble Friend also seems to propose to go to the learned Societies—and here I think he will find even a greater difficulty than with regard to the Universities and the Inns of Court. There is also one proposition in this petition to which great exception must be taken. It appears to be a proposition to create a separate constituency of retired naval and military officers; but obviously that is a body not entitled to distinct representation, the proposition being, in effect, that we should have a Member for the United Service Club. Adopting, however, for the present, the idea of my noble Friend, that it would be advisable to have the science, the education, and the intelligence of the country separately represented in Parliament, I may suggest that he would find it extremely difficult in practice to know where to draw the line between the many societies which would make equal claims to be so represented. I am not sure, indeed, that the introduction of this political element would in all instances tend to harmony. Suppose the College of Physicians to be represented, the College of Surgeons would demand to be represented too; and if you combined them, I am not sure that there might not be discord. With regard even to this particular body, I am not quite certain that it would be for the benefit of physicians and surgeons to hope for that representation, and thereby to be divided by political feelings, which are at present, as they ought to be, completely excluded. Then, with respect to learned Societies, there would be much perplexity in deciding which body would be of sufficient importance to be entitled to send a representative to Parliament. Clearly you would not combine the Geological, Geographical, and Zoological, and the other Societies, into a constituency to return one Member; and it would be not less impossible to give to each society its due share of representation. Again, many of these Societies, although learned Societies, technically so called, introduce members who have no claim to represent science or learning. At present men of rank and station feel it an honour to themselves to be admitted as honorary members of these societies; and although to a certain extent that is a desirable element, yet if you gave the additional inducement, that, in virtue of that introduction, a person shall be entitled to have a vote for a Member of Parliament, I think you would incur a great risk of endangering the character of those Societies, and of converting them from their legitimate purposes into political bodies, if not into political engines and instruments. There is another point to which my noble Friend adverted, and on this, as on the others raised, I would wish your Lordships to understand that I am not offering mature opinions, and that in my position I am, perhaps, hardly right in entering on such an occasion into questions of such great importance. My noble Friend has raised the question of colonial representation—one of great importance and of great difficulty, but one which, if it could be achieved—and the consideration of it is greatly affected by the alterations which have taken place since 1833, and the consequent exclusion of indirect colonial representation—would be well worthy of the attention of Government. If by any means such a representation could be given to the Colonies as would represent, if not their different individual interests, at least the interests of separate groups of Colonies, and as would fairly afford them the power of bringing before Parliament proposals affecting their material, social, and political welfare, I think that a great advantage would be gained, that a great additional tie would be created between the Colonies and the mother country, and —not an inferior advantage, perhaps, in my mind—that thus there would be some degree of control exercised over those amateur colonial legislators who are at present the only representatives of the Colonies, who are not always the most discreet, though they may be always undoubtedly zealous. But there would be an extreme difficulty in considering this question, with regard to the Members to be admitted, to the mode by which the representatives would be returned, and of the manner in which they would represent the collective or separate interests of each group—a return for each colony being obviously impossible. This is a subject upon which I am unwilling to offer a decisive opinion. Perhaps I have gone further than I should. But I can assure my noble Friend, and those who have entrusted him with this petition, that I concur in a great portion of the observations which he has made; and that, if I could see my way, by an alteration or addition, to the means of introducing intelligence, education, science, or the colonial element, into the representation of this country, I should think, difficult as it is to be accomplished, yet that if it could be accomplished it would be an object well worthy of serious attention and consideration. I can assure my noble Friend, further, that I entirely concur in his opinion that it is desirable, if possible, to neutralise that which appears to be a prevailing tendency, namely, to throw all power, not into the hands of the most intelligent and the most enlightened, but into the hands of the most numerous and, as I believe in a majority of cases, of the most easily misguided portions of the community. My noble Friend has not brought forward any Motion—I will only, therefore, say the subject is entitled to the most earnest consideration; while I think no greater injury could be inflicted on the country than to bring forward, hastily and without due deliberation, any such proposition for the consideration of Parliament.

Petition ordered to lie on the Table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 27, 1852.

Minutes.] New Writ.—For the County of Huntingdon, *v.* George Thornhill, Esq., deceased.

Public Bills.—1° Woods, Forests, and Land Revenues.

2° Valuation (Ireland); Patent Law Amendment; Scutch Mills for Flax (Ireland); Poor Law Board Continuance (Ireland).

Reported.—Law of Wills Amendment.

3° Public Works.

THE CASE OF MR. MURRAY.

Lord DUDLEY STUART said, he wished to put a question to the noble Lord the Under Secretary for Foreign Affairs. It appeared that an unfortunate man, named Edward Murray, the son of a gentleman formerly an officer in the British Army, and who belonged to a family many members of which had served with distinction in that Army, was some three years ago, whilst in Italy, accused of certain crimes and offences, but what it did not clearly appear, and thrown into prison, where he had been exposed to a great deal of very ill treatment for the long period of nearly three years. He was, however, lately tried in some sort of way in the Papal dominions, and had been sentenced to death. It was alleged that in consequence of a political crime being imputed to him, he was denied some of the advantages and privileges accorded to ordinary criminals in the means of preparing his defence. However that might be, he had been certainly sentenced to death. It appeared that our Consular Agent at Ancona was perfectly aware of the facts at the time of the alleged crime, and that gentleman had expressed an opinion that the prisoner was not guilty of the crime imputed to him. He (Lord D. Stuart), therefore, wished to ask the noble Under Secretary for Foreign Affairs whether the attention of the Government had been called to those circumstances with regard to a British subject, either by our consular agents or in any other way—whether they had taken any steps or proposed to take any steps in order to ascertain whether Mr. Murray had had a fair trial—and whether they intended in any way to intercede so as to make it certain that no injustice had been or would be inflicted on him? Also, whether there would be any objection to laying the correspondence that had taken place on the subject on the table?

Lord STANLEY thought the most satisfactory manner in which he could reply to the question of the noble Lord would be by giving, as briefly as possible, a summary of what had taken place with regard to Mr. Murray, and of the course which the British Government had pursued. Mr. Murray, who was the son of a British officer, entered the army of Rome under the Republican Government, and, having been for some time a military officer under that Government, he was subsequently appointed to the office of inspector of police in the town of Ancona, still, of course, under the same Government. During Mr. Murray's tenure of that office, very great disorder prevailed in Ancona, and murders took place very frequently, even in the streets, and in open day. These murders were of a political character—that was to say, that he (Lord Stanley) believed in every case the parties murdered, or attempted to be murdered, were adherents of the old Papal Government; and so openly were these crimes committed, and so entire was the impunity of the perpetrators, that Mr. Murray himself fell under the suspicion of having in some manner connived at them. The foreign Consuls, and other residents at Ancona, felt it their duty, in that state of affairs, to forward a remonstrance to the Government of Rome. The Government at Rome took immediate steps on the subject; several persons were arrested under suspicion of being privy to the assassinations committed, and among those arrested was Mr. Murray, who was sent first to Spoleto, and afterwards to Rome. Whether the case was inquired into or not, he (Lord Stanley) did not know, but it was certain that after a short imprisonment Mr. Murray was released by the Government. He remained in Rome for a considerable period, and at the time of the overthrow of the Republican Government he retired again to Ancona, where, on the 15th of July, 1849, he was a second time arrested by order of the Papal Government. He (Lord Stanley) was sorry to say it was perfectly true that, from July, 1849, to the present time, Mr. Murray had been detained as a prisoner. He (Lord Stanley) must, however, state that Mr. Moore, the British Consul at Ancona, had communicated on the subject with Mr. Freeborn, the British Consul at Rome, and in consequence of these communications, when Mr. Murray was taken as a prisoner to Rome for trial, Mr. Freeborn lost no time in calling the attention of the Papal Government to the case. Mr. Freeborn at the same time informed the British Government of what had occurred, and received in return from the present Secretary for Foreign Affairs instructions to watch the case, and to report to him upon it. Mr. Freeborn obeyed those instructions, and, having in the month of February forwarded a representation to the Government of Rome on behalf of Mr. Murray, in April he wrote again on the same subject, praying for a speedy conclusion of the trial, and also urging that in consequence of the illness of the prisoner some relaxation of the prison rules should be allowed. To that communication Mr. Freeborn received an answer on the 4th of May from the Government of Rome, to the effect that the trial was then concluded, and that sentence of death had been pronounced. Upon receiving that notice, Mr. Freeborn wrote a third time, praying for some mitigation of punishment, or that at least a respite might be granted. A petition to the same effect was also forwarded to the Papal Government from various English residents in Rome. When accounts of these proceedings reached the British Government, an immediate communication was sent to the British Minister at Florence desiring him to take steps in support of Mr. Freeborn, and communications were also sent to Mr. Freeborn by Her Majesty's Government, expressing their satisfaction at his conduct, and urging him to continue to exert himself to the utmost of his power to prevent the sentence of death from being carried into effect. It was of course necessary that, in this matter, very considerable discretion should be left to Mr. Freeborn, who had enjoyed the advantage of unrestricted communication with the prisoner's counsel, and who was much better informed on the subject than the Government of this country could be. Mr. Freeborn had accordingly been instructed, if he considered Mr. Murray innocent, to interfere and take steps to procure his immediate liberation; or, on the other hand, if he was inclined to believe that Mr. Murray had been justly accused, he was then desired only to interfere so far as to plead for a respite, and to prevent the capital sentence from being carried into execution. Within the last few days a report had reached this country that Mr. Murray had been taken to Ancona, it was supposed with a view to the sentence being carried into effect. A telegraphic despatch was sent off to the British Consul at Trieste, desiring him to communicate with the Consul at Ancona, in order that every means might be used by the latter to save Mr. Murray from execution. A subsequent communication had been received from Ancona, in which Mr. Moore stated that, fearing an order might come down for the immediate execution of the sentence, he had written to the Governor of Ancona, praying that in any case twenty-four hours' notice might be given to him (Mr. Moore) before the sentence of death was carried out; and that he had also drawn out a very earnest protest praying the Governor of Ancona, if the Government of Rome should send an order for the immediate execution of Mr. Murray, to take upon himself the responsibility of suspending the infliction of the punishment. This was a statement of all that had been done by Her Majesty's Government on this subject up to the present time. As the negotiations were still pending, he (Lord Stanley) did not think it desirable to produce the papers at the present moment; but when the negotiations were terminated, the papers should be laid upon the table.

LORD DUDLEY STUART said, he wished to know whether, on Mr. Murray being arrested, the British Consul at Ancona, or any other agent of this country, had communicated the fact to the Government here at home; also, whether the noble Lord could state what the crime was with which Mr. Murray was charged?

LORD STANLEY was glad that the noble Lord had given him an opportunity of correcting a misstatement which he (the noble Lord) had fallen into in his former address. The noble Lord had intimated that the offence for which Mr. Murray was arrested, had been altogether of a political character; but though it was undoubtedly connected with the state of the country, and with the state of political feeling at the time, he (Lord Stanley) did not think it could be described as the noble Lord had described it. Mr. Murray was charged with having, while holding an official situation for the repression of crime, connived at the most serious of all crimes—at acts of assassination. The charges against him were twofold: first, that he had taken no part in repressing these crimes; and, secondly, that in one instance, at least, he had directly aided and abetted in their commission. These, he thought, could not, in the ordinary meaning of the word, be called political offences. With regard to the question just put by the noble Lord, he (Lord Stanley) had already stated that

Mr. Moore, the British Consul at Ancona, had communicated with Mr. Freeborn, at Rome, on the subject of Mr. Murray's imprisonment, although, unfortunately, he had not thought proper to communicate with the Foreign Office on the subject.

The O'GORMAN MAHON wished to know whether Mr. Murray had been tried by a secret tribunal?

Lord STANLEY said, that Mr. Murray was tried by a special tribunal appointed to try a large number of persons charged with offences connected with the late disturbances at Rome.

Mr. BRIGHT begged to ask whether Mr. Murray had been allowed to remain in prison from July, 1849, to November, 1851, a period of two years and four months, without any distinct accusation being made against him; and whether it was a fact, that although a British subject had been thus imprisoned without any specific charge being made against him, and without being brought to trial, no person in an official situation at Ancona, or at Rome, on the part of the British Government, had reported the circumstance to the Foreign Office in this country, or had made any complaint to the Papal Government? He also wished to ask further, whether, when it was reported to Her Majesty's Government that the trial was going on, and that Mr. Murray had been sentenced, the only instruction given to Mr. Freeborn was to watch the case?

Lord STANLEY said, it was true that Mr. Murray was arrested in July, 1849, and that he was not brought to trial until two years and a half afterwards. It was also true that, during that time, no communication on the subject had been forwarded to the Foreign Office. But it was not absolutely true that no specific charge had been made against Mr. Murray, for a distinct charge had been made, as he had already stated, but it was after a lengthened delay.

Mr. BRIGHT would ask whether Mr. Murray's first apprehension and subsequent discharge took place under the Republican or the Papal Government?

Lord STANLEY: Under the Republican Government.

Lord DUDLEY STUART said, that he would bring forward the subject again on a future occasion.

Mr. CHISHOLM ANSTEY wished to ask—or, if it were more convenient to the noble Lord, he would give notice of his intention to ask—whether any negotiations on the subject had taken place between the Governmnet of this country and the real Governors of the Roman States—he meant the French Government—and, if so, he wanted to know what view had been taken of it by those authorities? He should like also to know whether the noble Lord was able to inform the House as to the proximity of the nearest British naval force to the port of Ancona?

Lord STANLEY would suggest that as the noble Lord (Lord D. Stuart) had given notice that he meant to bring the matter forward on a future occasion, the hon. and learned Gentleman had better pospone his question till then.

Subject dropped.

THE MAYNOOTH DEBATE.

Mr. P. HOWARD said, that the right hon. Gentleman (the Chancellor of the Exchequer) and other Members of the Government had voted on Tuesday on the Maynooth question in favour of the Motion "That the House do now adjourn." As that was generally considered to be the Parliamentary form by which a Resolution for inquiry should be negatived, and as either the right hon. Gentleman or other Members of the Government had failed to make a House at eight o'clock in the evening, to which hour they had adjourned, he (Mr. P. Howard) wished to ask the right hon. Gentleman now, or he would give notice for to-morrow of the question, whether any altered course of policy had been adopted by the Government as regarded the inquiry into the College of Maynooth?

The CHANCELLOR of the EXCHEQUER said, that the hon. Member appeared to suppose that the Motion for the adjournment of the House on Tuesday was a Motion for the adjournment of the debate upon the Maynooth question. Upon this point the hon. Gentleman was in error. The Motion for the adjournment of the debate had passed; there was, subsequently, a Motion made by an hon. Gentleman opposite, for the adjournment of the House, and the business upon the paper did not in the least refer to Maynooth. It consisted of several Motions, three of which, if carried, would have very much diminished the revenue of the country; and he as Chancellor of the Exchequer had very naturally voted for a Resolution which would prevent these Motions being brought on. He did not vote for the adjournment with the slightest reference to the question of Maynooth, as originated by the hon. Member for North Warwickshire (Mr. Spooner), and his (the Chancellor of the Exchequer's) opinions upon that question were identical with those which he had expressed on a former occasion.

Mr. P. HOWARD said, he would now appeal to the hon. Member for North Warwickshire (Mr. Spooner) to state his intentions with respect to the Maynooth debate. If he would give an indication of the line of proceeding he meant to pursue, it would greatly conduce to the convenience of hon. Members.

Mr. SPOONER said, that it did not rest with him. He did not even know who the hon. Member was who, having moved the adjournment, was privileged to resume the debate. [*Cries of* " Mr. Freshfield."]

The O'GORMAN MAHON begged the hon. Gentleman to state what course he intended to take with regard to the debate.

Mr. SPOONER: I have no power one way or the other. It stands on the Orders of the Day to be resumed this evening after the other Orders of the Day.

Mr. CHISHOLM ANSTEY would then call upon the hon. Member for Boston (Mr. Freshfield) to state what course he was prepared to pursue?

Mr. FRESHFIELD said, that he had moved the adjournment of the debate; but as it stood on the paper after the other Orders of the Day, it was not until after the other Orders were disposed of that they could with regularity discuss when it was to be resumed.

Subject dropped.

THE GUANO ISLAND OF LOBOS.

In reply to a question put by Mr. Bagge,

Lord STANLEY said, that applications had been frequently made within the last twelve months to the British Government, by merchants and others interested in the guano trade, asking, first, whether they considered that the island of Lobos, and another island off the coast of Peru, belonged to the Republic of Peru or not? secondly, whether British ships would be allowed to load guano there? and, thirdly, whether the Government would send a ship of war there for the protection of such trading ships? To those applications a reply, similar in substance, had been made by the late and the present Government. That reply was, in effect, that whether the islands in question belonged to Peru or not, it was quite certain that they did not belong to England—that we had no claim upon them, and that it was deemed unadvisable to send a ship of war there. By those who disputed the claim of Peru to those islands it was alleged, that they were not mentioned in the written constitution of Peru, as part of her territory—that they were remote from the coast, wholly unoccupied by inhabitants, and even devoid of fresh water; that no buildings had been erected upon them, nor any act of sovereignty performed by Peru respecting them; and, consequently, that according to the law of nations, that country possessed over them no such exclusive rights as those to which she laid claim. On the other hand, the Peruvian Government contended that those islands, having belonged to Spain when Peru formed a part of the Spanish empire, had thereby been transferred, in the absence of any express stipulation on the subject, from the Spanish to the Peruvian dominions, at the time of the separation of the countries. It was, moreover, added, that the mere fact of their being known by Spanish names, created a *primâ facie* presumption in favour of their having belonged to Spain as was stated; while the alleged novelty of their discovery was an assertion wholly unfounded, inasmuch as they lay nearly in the direct track of vessels passing between Callao and Guayaquil, two of the most frequented parts in the Pacific; and inasmuch as such vessels frequently steered between them. With regard to their supposed remoteness from the coast of Peru, he (Lord Stanley) believed that their distance from that coast was, in the case of one island, about twelve miles, in the case of the other, about forty miles: they were repeatedly visited by Peruvian Indians, who resorted there for the purpose of hunting and fishing; and it was urged that the Government of Peru had distinctly asserted its sovereignty over the islands, by prohibiting these Indians from landing upon them, lest from the disturbance of the birds the supply of guano should be diminished. Resting upon these claims, the Government of Peru had notified their possession of the islands in question, and declared their intention of resisting all attempts upon them. Under such circumstances, the British Government had decided that they could not interfere in behalf of vessels acting in contravention of this notification; and the Secretary of State for Foreign Affairs had stated, in reply to a letter addressed to him on the subject, that Her Majesty's Government were not prepared to send a ship of war to the Lobos islands for the protection of a traffic unauthorised by the Peruvian Government, and he had further added that however advantageous it might be to Great Britain, either to appropriate these islands, or to deal with them as common property, it would be impossible to do so without violating national law. He (Lord Stanley) must, however, add, that the Government were not without hope that some arrangement would be entered into, by which the supply of guano to be found upon these islands might be rendered available to this country.

Sir **FRANCIS BARING** might be allowed to say, as the transactions referred to had some connexion with the department of the late Government over which he had had the honour to preside, that within the last two days he had received a despatch from the admiral in command on that station (which he had forwarded to the Admiralty), in which the admiral stated that he was on the point of sending a vessel of war to protect the trade carried on at those islands.

Subject dropped.

MILITIA BILL.

On the Motion for considering this Bill as amended,

Colonel **SIBTHORP** said, he was anxious to give the Government every support, but he could not do it in this instance. He wished to move as an Amendment, on Clause 3, to leave out the word "major," and insert the words "captain or any higher rank." He denounced the new scheme brought in by the Government, some of whom, he said, did not know the difference between the breech and the muzzle of a carbine. As the clause stood, it was nothing less than a stigma on a deserving class of officers. He could not consent to do away with the landed qualification for officers. He believed the force was a necessary force, and wished to see it what it ought to be. He should like it to be a constitutional and strong body of men. He knew that the Lord Lieutenants felt much aggrieved at not being able to appoint their own adjutants and other officers. He felt strongly interested in this question, knowing the value of the militia.

Mr. **HUME** said, he did not think any amendment could be made on either side of the House that would reconcile him to the Bill. He rose to enter his protest against it. He did not believe that it was necessary, or that, if necessary, it would be efficient. He hoped his Friends would take a division on the third reading, and thus show the country how much they had done to oppose it. The compulsory clauses were of a barbarous and antiquated character; and it was most impolitic in the legislation of the present day to revive such odious provisions. He believed that 500 volunteers would be better than 5,000 conscripts. If they wanted extra force, let it be one on which the country could rely. Every shilling expended under this Bill would be waste money. The country generally was against it; already 1,200 petitions had been presented against it. He should oppose and divide against the third reading; and if, after the third reading, he could succeed in striking out the compulsory clauses, he should be glad to do so.

Mr. **W. WILLIAMS** said, he had given notice of a Motion to omit Clause 16; but after the course recommended by the hon. Member for Montrose, and seeing the small number of Members present, he would not now take a division. He had opposed the Bill from the first, on the ground that our military defences were sufficient; and, that if they were not so, the Bill would not answer the desired end. Nothing could be so odious to the country as the introduction of this conscription in time of peace; it should only be resorted to in cases of great emergency. He knew that thousands of young men, if drawn in the ballot, would be absolutely ruined. Where was the necessity to justify such a course as this? If the force could not be raised by volunteering, he, for one, was willing to increase the bounty to such an extent as would secure their being raised. But they ought to resort to the pensioners, and those who had been discharged from the Army. He had no doubt that 25,000 or 30,000 men might thus be raised, and they would be far more efficient than 50,000 militiamen. The House had been much misled as to our existing force. No two Gentlemen of the present or past Government had agreed on the subject. He wished to ask the right hon. Secretary at War whether the following statement was not correct: The military force voted this Session, including cavalry and infantry, for the service of Great Britain, Ireland, and the Colonies, was 101,936 men, and of artillery 15,582, making together a total of 117,518. There were in the Colonies 42,208, leaving for Great Britain and Ireland an actual force, voted and provided for in the estimates, of 75,300 men. There were besides, the embodied pensioners, coast-guard, dockyard battalions, yeomanry cavalry, and police; making altogether an effective force of upwards of 150,000. Adding to these 38,000 sailors and marines, there was a force of upwards of 188,000 men. It was impossible that any force could be landed here sufficient to cope with this. But if more were necessary, why not accept voluntary services? The real object of this Militia Bill was to give appointments and offices to a number of country gentlemen. The force in the Army last year had been 5,189 short of the number voted, while the expenditure had exceeded the amount of the vote by 388,000*l.* He should like to know how the right hon. Secretary at War could explain that? Taking the men not employed, and the extra sum expended, there was a sum of at least 500,000*l.* to account for. The late Government were mixed up with this expenditure as well as the present Government. The ballot clause was the most objectionable one in the Bill; but in the present state of the House he would not divide against it.

MR. WALPOLE said, the third reading of the Bill would not be taken till the Monday after the holidays. With reference to the Amendment of the hon. and gallant Member for Lincoln (Colonel Sibthorp), the object of which was that captains should still be required to have the qualification they had under the statute of George III., he had no objection to that alteration. A further Amendment of the hon. and gallant Member, proposing an insertion in Clause 4, was so inconsistent with the other parts of the clause, that he would not consent to it. The Lord Lieutenant had the appointment of all the officers, subject to the approbation of the Crown. They must all have qualifications either in land, personal property, or rank in the Army.

Amendment *agreed to.*

MR. THORNELY begged to move the insertion of a Proviso at the end of Clause 18, relative to the exemption of the members of the University of London from the operations of this Bill. The system of putting the University of London on the same footing as the Universities of Oxford and Cambridge had already been recognised, and the sole object of his Proviso was to carry out that system.

Amendment proposed—

"At the end of Clause 18 to add the following words:—'Provided always, that no member of the Senate of the University of London, nor any Examiner, or other Officer thereof, nor any Professor, Tutor, or Lecturer of any College, School, or Institution connected with the said University, under the provisions of any charter thereof, nor any Student of any such College, School, or Institution, who shall have matriculated in the said University, shall be liable to serve in the Militia under this Act."

Question proposed, "That those words be there added."

MR. GOULBURN said, he did not wish to offer any objection to applying the same privileges to the University of London as were given to the Universities of Oxford and Cambridge; but the Proviso of the hon. Gentleman extended far beyond that. The privilege in respect to exemption from serving in the militia was only enjoyed by persons actually resident at the two latter Universities; whereas this Proviso extended it to all persons connected with the London University, whether resident or not. The hon. Gentleman also proposed to extend the privilege to the schools in connexion with the University of London, which was going beyond the exemption enjoyed by the other Universities.

MR. GLADSTONE said, he would venture to suggest to the hon. Member (Mr. Thornely) that he might damage the cause which he had in hand by pressing this Proviso at the present time. He (Mr. Gladstone) was willing that the Members of the London University should enjoy every exemption which was made in favour of Oxford and Cambridge; but there was this distinction—at Oxford and Cambridge the members were generally resident, but that was not the case at the London University. He therefore hoped that the hon. Gentleman would postpone the Proviso until the third reading.

MR. THORNELY said, that under these circumstances he would agree to postpone the Proviso.

Amendment, by leave, *withdrawn.*

MR. HEYWOOD moved the insertion of the following Proviso at the end of Clause 16:—

"Provided always, that no person being a resident Member of the University of Durham shall be liable to serve personally or provide a substitute for the Militia."

MR. WALPOLE suggested, that this Proviso should also be postponed. He quite agreed that the Universities of Durham and London should be put upon the same footing as the Universities of Oxford and Cambridge; but he thought there was a doubt whether the exemption should extend to any of the Universities. Exemptions having, however, been given to Oxford and Cambridge, he did not see how they could fairly exclude from exemption the other Universities. At the same time, supposing the law should hereafter be consolidated, the Government reserved to itself the power of reconsidering the whole of these exemptions.

Proviso *postponed.*

Report, as amended, *agreed to.*

VALUATION (IRELAND) BILL.

Order for Second Reading read.

Lord NAAS, in moving the Second Reading of this Bill, said, that the law on the important subject of Valuation was in a most anomalous state as regarded Ireland. The present Valuation was based on two different Acts of Parliament, and on two different principles. The first was the 6 & 7 *Will.* IV., c. 84, which was passed for Grand Jury purposes, in 1836, and the Valuation under which was founded on the price of agricultural produce at an antecedent period. Townlands were made the unit of the Valuation; and houses under *5l.* a year were exempted from its effects. When, however, the Poor Law came into operation, the townland system was found insufficient for the purposes of that law; and, accordingly, the Act of 1846, 9 & 10 *Vict.*, c. 110, was passed, based upon a totally different principle, and by which the townland was no longer the unit. This Act was generally adopted, Grand Juries exempting for the purposes of county taxation those houses that were under *5l.*, as in the preceding Act. Under the Act of 1846, the Valuation of five counties had been finished, and that of three more were nearly so. This was all that had been done in five years. But there were some grave evils connected with both Acts, one of which was that the townland Valuation was based upon the price of agricultural produce in 1820. The other was the tenant valuation. He would read the remarks of the present Commissioners relative to the state of the Valuations. [The noble Lord here read an extract to the effect that the system of Valuation was in an unsatisfactory state.] The great object to be achieved by the Bill was to make a uniform valuation for all local taxation throughout Ireland. The county and poor rates were levied on a comparatively correct system, and it was therefore proper the other question should be finally set at rest. The right hon. Member for Drogheda (Sir W. Somerville), with that view, had introduced a Bill last year; but so cumbrous were the modes of appeal in relation of townlands and tenements, that it was thought by the general agreement of all the Members connected with Ireland, the Bill would prove unsatisfactory, and therefore ought not to be supported. It would in his (Lord Naas's) opinion have been impossible to work that Bill with advantage, and therefore it was not proceeded with. The Bill, the second reading of which he was about to propose, went upon a somewhat different principle; at all events, it had one thing in its favour —it was simple and easily understood. The whole of the old tenement system of Valuation would be adopted, and reference had to the average scale of agricultural produce. The average would be taken in the only correct way, namely, by the prices quoted in the newspapers from market towns in Ireland. So that they would have a return for three years from forty of the principal market towns, giving from no less than 6,000 markets the average price of agricultural produce. That was the leading feature of the present Bill. It did away with the appeal to the Sub-Commissioners, and gave a simple and satisfactory mode of appeal to the First Commissioner of Valuation. If the appellant was not satisfied, he was at liberty to follow the appeal into the Courts of Quarter Sessions. With regard to lands, it was proposed to have a revision every three years; and with regard to houses, the Poor Law Commissioners were to have power to revise at stated periods. He had every reason to believe, if the House sanctioned the Bill, the Valuation of Ireland would be accomplished by the next five years—that the present enormous expense would be done away with—and that the expense under the new system would be only about 1½*d.* per acre, instead of 4½*d.* or 5*d.* as under the present system. The urgency of the case required that something should be done. If, therefore, the Bill was delayed, he was satisfied the greatest difficulty would be found in coming to a decision upon a question which all desired to see settled, namely, an accurate and uniform Valuation in Ireland.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. CLEMENTS said, he was not all convinced of the simplicity of the measure from the statement of the noble Lord, but, on the contrary, he considered it a very complicated affair; and the noble Lord had omitted to state any reason why the House should entertain the subject upon the eve of a dissolution, and after an understanding that none but matters of urgency should be submitted to them. Many of the Irish Members who were more particularly interested in the question, would be absent, and the Bill could only proceed by the noble Lord forcing it through the House by the votes of English Members. He, therefore, must enter his protest against the Bill being pressed under the present circumstances. To show that this was not a simple measure, but one connected with a very complicated system, it was only necessary to state that altogether six Acts of Parliament had been passed with reference to the Valuation of Ireland since the year 1826. When, in that year, the first Bill was introduced upon the subject, he had no doubt the then Secretary for Ireland assured Parliament that it was one of a very simple character, and that the same assurance was made upon each of the five successive occasions when Bills were introduced to alter and amend previous legislation. But be that as it might, he was quite convinced, if the House had been aware of the number of years which would elapse before the Valuation would be finished, the House would have paused before proceeding with any of those measures. During the last Session of Parliament another Bill was introduced upon the subject, and he believed recommitted upon two several occasions. Very material alterations were made in it, and the whole principle of that Bill was opposed to the principle of the Bill of the noble Lord (Lord Naas). The House would judge of the principle of the noble Lord's measure when they heard that it proposed, now that twenty-six counties had been valued by one system, to value six counties by another system, and to remodel the valuation of the twenty-six counties, that the whole might be uniform. He (Mr. Clements) contended that the Valuation under the Poor Law, as conducted by the Board of Guardians, was, upon the whole, satisfactory and perfectly sufficient for all purposes of rating. He would strongly urge that Valuation for County Rate purposes be concluded upon the original scale, and the going on with the Poor Law Valuation under the Poor Relief Act, because the principle upon which the two Valuations ought to be conducted were totally different. The Poor Law Valuation ought to be upon a fair net value, and the County Rate Valuation according to a fixed state of prices. He did not suppose any one had practically gone so far into the subject as he had, and he believed enormous expense might be saved by adopting a sounder system of appeals. The only system hitherto in practice was that of appeal to the assistant barrister at Quarter Sessions. The assistant barrister had no sort of knowledge of the different circumstances of the various localities affecting the value of land; witness was brought against witness, and he had to decide upon their statements, and the whole Valuation was thrown into complete confusion. He believed that appeals to the magistrates at Quarter Sessions would be no improvement, and he could only suggest that a proper Board of Appeal should be created with Mr. Griffiths to preside over it. He thought that plan perfectly feasible; he was convinced it would be more economical, and would enable them to revert to what he could not but consider was a very desirable state of the law, for each locality to manage its own Valuation. Such a system as that could not be entered into during the present Session, nor could the present Bill be fairly discussed. He challenged the noble Lord frankly to say whether he could get half-a-dozen Irish Members unconnected with the Government to sit upon a Committee to consider this important subject. He believed the noble Lord would admit that he could not. The delay of one year could not be of any great consequence, seeing the number of years this Valuation measure had been dragging along. The Valuation of every county had taken four years to complete. Six counties were still uncompleted, and they could not be completed in less than five or six years; the Bill, therefore, could not affect the constituencies either in the next or in the succeeding year. He was prepared to show that the revision of the Valuation would be attended with very heavy expense; but, without entering upon details, he was satisfied, if the Bill were discussed as it ought to be, it could not pass in the present Session, and therefore begged to move that it be read a second time that day three months.

SIR ROBERT FERGUSON seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. H. HERBERT said, he could not forbear from replying to some of the observations of the hon. Member for Leitrim (Mr. Clements). The hon. Member had said that the Bill could only be carried by the English Members voting for it, and had based his opposition upon the late period of the Session. Now, he (Mr. H. Herbert) represented a part of Ireland where some measure of this kind was imperatively and absolutely necessary, and he should be ill discharging his duty to his constituents if he did not tender his thanks to the noble Lord (Lord Naas) for having brought forward this measure, even at so late a period of the Session. With regard to the time required to go into the details, this was just the very case of all others where Irish Members might copy the example of Scotch Members, who invariably placed themselves in communication with the Government when intricate and difficult questions were involved; and he had no doubt any suggestions of the hon. Member would meet with that consideration from his noble Friend which they deserved. When the hon. Gentleman talked of the Poor Law Valuation being a satisfactory Valuation for the purpose, he (Mr. H. Herbert) could only say, from all he had heard, from all he had read, and from all he knew, he believed that assertion, with all due respect to the hon. Gentlemen, to be at total variance with the facts. But assuming that the Poor Law Valuation in the north was a good one, it did not follow, nor was it correct to say, it was good also in the south. It was not inconsistent with a good valuation to have a difference of 30 or 40 per cent in different localities; but other principles must guide them when they only wanted a valuation for local taxation, and when they wanted it in relation to the Franchise Bill passed last year. The Franchise Bill made it absolutely necessary that some general principle should be adopted, and the Valuation made uniform throughout the country. From his experience he could prove by facts and figures, that undoubtedly the remarks of the hon. Gentleman did not in the slightest degree apply to the south of Ireland. Therefore, he entreated the House not to be guided by representations from one part of the country, where, he admitted, everything was a model which, truth compelled him to admit, might be advantageously copied by the county of Kerry at least, with which he was more intimately acquainted—but that they would consent to the second reading of the Bill of his noble Friend. He hoped the hon. Member would communicate to his noble Friend the suggestions which occurred to him, and that the Irish Members generally would endeavour to perfect a Bill for this long-vexed question.

SIR ROBERT FERGUSON said, he considered that the hon. Gentleman's (Mr. Clement's) figures were supported by facts. It was stated by a very high authority on such subjects, Mr. Joseph Kincaid, in his evidence before the Lords' Committee, that the Poor Law Valuation was, on the whole, sound and satisfactory. It was well known that the property which paid worst in Ireland was house property; yet it was now proposed to lay a heavy tax on houses under 5*l.* a year. He would throw out a suggestion to this effect, to exempt the north of Ireland from the Bill, and thus to save expense. He thought it would be apparent there was no hurry for looking into the system of Valuation adopted in the north; the urgency of the case was to be found in the south of Ireland; therefore, he said, let the present legislation be confined to the south. The Bill would have an unfair and an injurious operation in Ireland; it would tax the lower class of tenements very heavily; and this would be the more unjust, because no sufficient notice had been given of what was intended by Government. He should be sorry to oppose the Bill altogether; but as it did propose a change in the taxation of the country, he really wished the noble Lord would withdraw those portions of it which related to the parts of Ireland now under Valuation.

MR. VESEY said, that in giving his support to the second reading of the Bill, he should take a different ground from that put forward by the hon. Member for Kerry (Mr. H. Herbert). He should support it because it would be inoperative in the county which he represented. Under the Bill brought in in 1846, power was given to alter the townland valuation to a tenement valuation, which had been adopted, he believed, in the Queen's County. The hon. Member for Leitrim (Mr. Clements) said that the Bill was brought in against the wishes of the Irish Members; but, in contradiction to his hon. Friend, he would mention a Resolution agreed to by the Committee which sat in 1844, and which reported that there ought to be but one valuation for all the purposes of local taxation, and that, in order to secure a correct, fair, and uniform Valuation, it should be made by valuators appointed by a responsible authority, and independent of the local, or, in other words, the Poor Law authorities.

Sir DENHAM NORREYS said, the noble Lord the Secretary for Ireland might depend upon it that whatever opposition was now given to the Bill, he would himself be grateful for it, when it became his duty to bring in a new Bill in the autumn of the present year. His hon. Friend (Mr. Clements) had forgotten that, in consequence of the Bill of 1844, Mr. Griffiths was obliged to bring forward another estimate to get out of the mess into which he had plunged himself. Last year Mr. Griffiths said that it was impossible to carry out a tenement valuation, and therefore he contended that a certain fixed value should be based on agricultural prices. He (Sir D. Norreys) was opposed to the present Bill, because he considered that this was not the period to introduce a new system of taxation in Ireland. Were hon. Gentlemen who approved of this Bill aware of the useless character of the last Valuation, which had cost the country 300,000*l.*? He contended that it was unwise to introduce a new system of valuation at a period of the Session when it was impossible to command an attendance of Irish Members. The noble Lord was about to establish a scale of prices 25 per cent lower than the Town Land Valuation, which Mr. Griffiths himself had said was about 25 below the gross rental of the country. It was monstrous to suppose that the Government should base a valuation upon such a principle as this.

Lord NAAS said, that the Valuation was based upon the average prices of corn in 6,000 markets within the last three years.

Sir DENHAM NORREYS said, he had gone over the prices from 1832 to 1844, and he told the noble Lord that they did not justify the prices upon which he had made his estimate, because they were from 25 to 40 per cent less. He held in his hand a Return moved for by the hon. Member for Roscommon (Mr. French) of prices of oaths down to 1851, which did not support the present principle. The effect of this Bill would be to disfranchise a large portion of the constituency of the country. He heard hon. Gentlemen say that they wanted a fair Valuation; but what did they mean by a fair valuation? Hon. Gentlemen might depend upon it that the real and fair value of land, whether valued by Mr. Griffiths or not, would be paid for it. He believed the noble Lord had not estimated the cost of this system of Valuation. A perfectly good Valuation might be secured for 5*s.* per cent., whereas the cost of the Government Valuation averaged 2*l.* 9*s.* per cent. He hoped the Government would withdraw the Bill, as it could not pass through the House without great opposition and delay.

Mr. NAPIER said, he considered that the Government would be failing in its duty if it did not persevere in pressing forward this measure. The Bill had been maturely considered last Session by a Select Committee of most competent persons. [An Hon. Member: That was a different Bill altogether.] It had at that time very nearly passed, and since then the different objections urged against it had been maturely considered, and the Bill as it now stood, had been reconstructed to meet those objections. Many observations had been made this evening which it would have been much fitter to make in Committee, since they did not affect the principle of the Bill; and the House ought not to wander into a number of points which did not touch that principle. A great deal, for instance, had been said with regard to the expense, which hardly touched the principle. The main expense of the last Valuation, he might say, however, had been occasioned by appeals, the greater part of which had not been substantiated nor followed up. The principle of the Bill was, that it established an uniform Valuation throughout Ireland. At present two systems of Valuation existed in Ireland, the Town Land Valuation, which prevailed in twenty-six counties, and which was based upon the scale of agricultural produce fixed in 1820, and the Tenement Valuation of the 9th and 10th of Victoria, which was adopted in six counties. Thus one form of Valuation prevailed in one-third of Ireland, and the other in two-thirds, and what was wanted was one uniform system. The Valuation contemplated by the present Bill was to be made with reference to a certain scale of agricultural prices from fourteen years to fourteen years, which would take away all inducement to an unfair local valuation. At present, the Townland Valuation was complained of as too high when compared with the Tenement Valuation, and much dissatisfaction was thereby produced. The noble Lord the Secretary for Ireland would be, he was sure, happy to receive any suggestions from Irish Members upon the details; but as the principle of the measure had been already affirmed, he trusted the House would be prepared to go into Committee on the Bill.

Mr. SHARMAN CRAWFORD said, he considered that this was the simplest and the best Valuation Bill which had ever been introduced into the House. There might be improvements effected in its details in Committee; but he believed that the measure would prove on the whole to be a very useful one. He saw no reason why they should then refuse to read it a second time, although he regretted that it had not been brought forward at an earlier period of the Session. It possessed over all other Bills on the same subject the great advantage of proceeding on a uniform system. With respect to the scale of prices, he should observe that the scale laid down was, to the best of his belief, that which had generally prevailed of late years in the north of Ireland. Under all the circumstances of the case, he should feel much pleasure in voting for the second reading of the measure.

Colonel RAWDON said, it was in no spirit of hostility to the Government that he intended to oppose the second reading of this measure. Several of the Irish Members had left town for the purpose of addressing their constituents with reference to the coming election; and he thought it would be unfair in their absence to press forward a measure in which they, as the representatives of Ireland, were deeply interested. If so important a Bill as this were pressed forward this Session, the Government would act in violation of the promise given by their chief, to the effect that no measures except such as were of absolute urgency, should be submitted to the consideration of the present Parliament.

Mr. WHITESIDE said, he must protest against the argument, that because they were at present in the month of May, a sensible and useful Bill was not to be discussed. That argument would imply that the House ought to abdicate its functions, because the period of the Session was an advanced one, and because some Irish Members thought fit to leave London at a time when they ought to be in the House. No argument had been adduced against the principle of the Bill, which was one of a sensible, judicious, and economical character. He had been told that the proposed new Valuation would be effected for three farthings per acre, while the old Valuation had cost fourpence per acre.

Mr. GROGAN said, he thought they were much indebted to the noble Lord the Secretary for Ireland for the introduction of the measure. In his opinion, his right hon. and learned Friend the Attorney General for Ireland had shown that it was the only mode of obtaining a fair valuation in Ireland. He believed that, with the aid of morning sittings, they would have no difficulty in passing the measure through its several stages in the course of the present Session.

Captain JONES said, he must deprecate the suggestion that they should dispose of this measure at morning sittings. He felt persuaded that a great deal of bad legislation had taken place at these morning sittings. It appeared to him that at the present advanced period of the Session, they could not proceed satisfactorily with a Bill of that description. Although he should vote for the second reading of the Bill, he hoped it would be referred to a Select Committee.

Sir JOHN YOUNG hoped that no such reference would take place, for, even if it should, every clause would be afterwards submitted to the ordeal of a Committee of the whole House. As the Bill would, in his opinion, confer great benefits upon Ireland, it was of importance that it should be pressed forward.

Mr. VINCENT SCULLY observed, that he differed from the Attorney General for Ireland, who had stated that this Bill was a mere Valuation Bill, and not a Taxation Bill. He regarded it as a Taxation Bill. Its sole object was to lay a basis to regulate all future taxation throughout Ireland. Therefore it was a mere Taxation Bill, to be effected by means of a Government valuation. He differed also from the assertion that this was a measure which could not possibly involve any political interest. He could easily conceive how its machinery might be put in motion by a Government officer to unfairly forward the ends of a Government for the time being. He thought also it might be converted into a political engine by improperly reducing the valuation of some tenements, or by unfairly lowering its scale of agricultural prices, so as to deprive many of the county voters of their elective franchise. What Ireland required was a fair and just valuation, to be ascertained under a well-considered measure of legislation, as perfect as might be capable of being framed, and such as would not require to be realtered in a few years more, after the waste of large additional sums of Irish money. He did not regard the present measure as being of that perfect character, although he considered it contained some useful improvements, which it would be adsirable to adopt. It would be right, in considering this Bill, to recollect, that there had been already no less than nine abortive attempts made to legislate upon this most difficult and important subject. There had been six Acts of Parliament for establishing a public system of general valuation, commencing with the Act of 7 *Geo.* IV., c. 62, up to that of 9 & 10 *Vict.*, c. 110, under which latter Act the noble Chief Secretary stated that Mr. Griffiths was at present acting, or rather that he had come to a dead lock. There was also the system of valuation established by the Irish Poor Law Act of 1 *Vict.*, c. 56; and there were the two Valuation Bills of last year, namely, the Bill introduced in February, 1851, by the late Government, and the same Bill as amended in March, 1851, by a Select—or rather by a selected—Committee. He would not designate those Bills of last year in the strong terms of condemnation which they justly deserved; and certainly the present Bill was, in some respects, a great improvement upon them—being of a more simple character, and not incumbered with so many complicated clauses and impracticable provisions. He thought, however, there were some sins of commission, and several of omission, in the present Bill, and he hoped it would not prove the tenth abortive attempt to legislate properly upon a subject which, as a practical matter, was one of the most vitally important to the interests of Ireland. He thought it was not just or fair that Irish measures of this difficult and important character should be deferred until towards the very close of a Session, and then taken up and pressed forward by Government during the necessary absence of many Members representing Irish constituencies, and at a period when it would not be possible to afford sufficient time for the due discussion of all the details. The Attorney General for Ireland had deprecated all discussion of details at the present stage of this Bill, upon its being presented for a second reading—thus taking on this occasion the very opposite course from that recently adopted by him in regard to the Irish Tenant Right Bill, when he had occupied the House with objecting to each of the details of that measure. Now, he did not intend to follow that example by discussing the several clauses of the present Bill, which he had already admitted contained improvements upon the present valuation system. There were, however, some matters which others might look upon as details, but which he considered important principles of any Bill for establishing a perfect system of public valuation. In the first place, he thought that no new Valuation Bill ought to be assented to which did not secure to the Irish ratepayers some efficient mode for having a *bonâ fide* account and audit of the vast expenditure of their money by an irresponsible Government officer. It appeared by a Parliamentary return, dated May 6th, 1851, that up to the spring assizes of 1851, no less a sum than 258,671*l.* 13*s.* 7*d.* had been expended upon this general valuation, and it had been stated that the expenditure was still proceeding at the rate of about 30,000*l.* a year. So that the total expenditure up to the present time could not be far short of 300,000*l.*, for not one shilling of which vast sum had the Irish ratepayers received any sort of account or audit. By another return of June 17, 1851, it appeared that up to May 1, 1851, the sum expended upon this general valuation of the single county of Tipperary was 23,688*l.* 5*s.* Since that period the valuation of that county had cost some additional thousands, and it was still very incomplete. It has probably already cost near 30,000*l.*, and would certainly, before its completion, cost far beyond that sum to the ratepayers of Tipperary, for which neither they, nor their Poor Law Guardians, nor their grand juries, will have received any account whatever. Every gentleman who had served on grand juries in Ireland knew that the sum demanded by Mr. Griffiths on account of his expenditure was always a compulsory presentment, and that the only information ever laid before a grand jury was contained in three or four lines, which simply certified the bulk sum expended. This sum constituted a portion of those compulsory presentments, which usually left but a very trifling percentage of the entire county cess in the discretion of an Irish grand jury. He should wish to obtain from the noble Lord the Chief

Secretary for Ireland a distinct assurance that in case the present Bill were allowed to be now read a second time, a provision would be introduced in Committee for securing to the Irish ratepayers an effectual account and audit. In the next place, he objected to the principle involved in the seventh clause of the Bill, which transferred from the Lord Lieutenant, and vested in the Valuation Commissioner, an absolute and irresponsible power "to nominate and appoint, from time to time, any number of writing clerks and surveyors, or any number of persons to be valuators." Upon this enormous patronage, to be exercised at the expense of the ratepayers of Ireland, the only limitation contained in the Act was the provision in the thirty-ninth Clause, that no valuator or writing clerk should receive more than twenty shillings per day, besides such allowancess to cover his hotel and travelling expenses as the Commissioner might think fair and reasonable. It would be easy to suggest how this immense patronage might be abused in many ways by some future Commissioner. It would add to the evils of that system of bureaucracy which had already inflicted so much injury upon Ireland. Again, he should wish to known upon what fixed data had the scale of prices been made out which were given in the 11th Section, as the basis of future valuations for all land in Ireland. That section preserved the present principle of valuation in regard to houses and buildings, which were to continue to be valued upon an estimate of the net annual rent; but, in regard to lands, a different principle was now to prevail—for the value of all lands was to be based, not upon an estimate of the net annual rent, but upon an estimate of the net annual value, with reference to the average prices of produce given in the Bill. The principle of net annual rent being thus repudiated by the Bill, it was quite idle to suppose that, practically speaking, any valuation of lands based upon an arbitrary scale of prices, would be generally followed by landlords in Ireland to regulate their rents. It was plain, therefore, that should too low a scale of prices be adopted, the effect would not be to lead to a reduction of any of the rents of occupying tenants, but it would undoubtedly have the effect of lowering the poor-rate valuations, and of thus, perhaps, disfranchising many thousands of the county constituents. If, therefore, a very low scale of prices were adopted in the proposed Act, its effect should be counteracted by a corresponding reduction in the county elective franchise. It had been stated by the noble Lord that the scale of prices in the present Bill was taken from an average of prices mentioned in a return made out from the Irish newspapers by Mr. Griffiths. Now he was not aware of any return except that which had been presented to Parliament in the course of last Session. He would give a few specimens from that return, to show the mode in which the averages it contained for 1849 and 1850 had been struck by the present Bill. As to wheat the average price per cwt. in that return was 8*s*. $0\frac{4}{5}$*d*. for 1849, and 8*s*. 4*d*. for 1850, from which two sums, he presumed, there had been deduced the average of 7*s*. 6*d*. in the present Bill. As to oats, the averages in the return were 5*s*. $4\frac{1}{4}$*d*. and 5*s*. 10*d*., and that in the Bill, 4*s*. 10*d*. As to pork, the averages in the return were 35*s*. 8*d*. and 38*s*. 4*d*., and that in the Bill, 32*s*. And so as to the other articles of produce. But, really, that return itself was, perhaps, the most extraordinary statistical paper ever presented for the information of Parliament, to form the basis of an important practical measure; though, perhaps, its very blunders were some test of the honesty with which it had been compiled from the different local newspapers. About one-third of the items were not filled up, but were left in a blank state. Those that were given, exhibited the most incredible discrepancies in the prices of the same article in different towns. For example, in this return for the year 1850 the average price of pork was represented as being 53*s*. 10*d*. in Waterford, 37*s*. 4*d*. in Wexford, and 30*s*. 5*d*. in Cork; those three being all export towns, each possessing the same seaboard and equal facilities of sale. In 1849, pork was stated to have been 54*s*. in Waterford, and only 35*s*. 7*d*. in the adjoining town of Clonmel. In 1849, barley was 7*s*. 9*d*. in Clonmel, and only 4*s*. 6*d*. in Roscrea, both being towns in the same county of Tipperary. In 1849, oats were 8*s*. 4*d*. in Monaghan, and 3*s*. 7*d*. in Maryborough. Again, in 1850, 8*s*. 7*d*. in Monaghan, and 4*s*. $0\frac{3}{4}$*d*. in Maryborough. In 1848, wheat was 12*s*. 3*d*. in Limerick, and at Nenagh—distant from Limerick about eighteen miles—9*s*. 8*d*. Numerous other instances might be accumulated out of this return to show its utter fallacy as the basis of a fair and permanent valuation, or such a perfect measure of legislation as it would be desirable now to introduce for the purpose of finally superseding all previous systems. The absurdity of that return had been pointed out during last Session, and had, he believed, contributed in a great measure to the total abandonment of the amended Bill recommended by the Select Committee. For the Attorney General of Ireland was mistaken in supposing that that amended Bill was the same as the present Bill. It was not the same Bill, but the very reverse of that Bill; and this total dissimilarity was one of the chief recommendations of the present measure. He was aware that the right hon. Gentleman had suggested that the scale of prices was one of those details which might be considered and amended in Committee. But he would like to know what satisfactory information the House could expect to obtain in Committee. He did not anticipate that the noble Lord would be prepared to supply a satisfactory scale of prices in Committee, or that the right hon. Gentleman the representative of the University—or, as he had lately styled himself, "the representative of the Church"—would be able to furnish any useful information on the subject. He thought that an undertaking should now be given to introduce some proper measure, such as was partly promised last year, for establishing in Ireland a system of official corn averages similar to the English system. A correct system of corn averages was essential to any plan of valuation, such as it was now proposed to introduce, namely, a valuation based upon the prices of produce, and not upon the net annual rent. It had also long been required in order to regulate Irish tithe rentcharges and the rents payable under ecclesiastical leases. In Ireland there were no corn returns made in any town except Dublin, and even there the returns were merely voluntary and of a most imperfect character. With respect to the power of final appeal, the present Bill left it with the assistant barrister, or rather with the Quarter Sessions, which he confessed he regarded as preferable to an appeal to the Government commissioner, He thought, however, it might be well to consider whether some better tribunal might not be devised for obtaining a satisfactory and uniform valuation at a reasonable rate. He had shown the enormous expenditure incurred within the last five or six years in valuing the single county of Tipperary, being, as he believed, thirty times as great as the cost of a valuation under the Poor Law Acts. He had heard it suggested that one mode of obtaining a cheap and satisfactory valuation of any particular county or district would be to set it up to public competition, subject to subsequent revision by an appropriate tribunal, at the risk of the valuator, who should be bound to sustain his valuation at his own expense. He thought that suggestion worth consideration, having regard to the great expense of all past valuations, and to their unsatisfactory character. He did not conceive that the present Bill would very materially diminish the future expenses of the Government valuation of Ireland. It would certainly get rid of the useless expense of all appeals to Sub-Commissioners, and so far was a desirable measure; but nearly the same expense might be still incurred in appeals to the quarter-sessions courts. His great object in making these observations was to suggest the propriety of framing such a Valuation Bill for Ireland as would effectually obviate the necessity of legislating again upon the subject. He had mentioned some reasons for not thinking that the present Bill was as perfect a measure as might be framed, after full deliberation, by a Select Committee or a Committee of Inquiry composed of such of the Irish Members as were best acquainted with the subject, and who might assist their investigations by examining some intelligent witnesses. He was quite aware of the general objections to Select Committees, and of the course taken by the Select Committee appointed last Session, who had separated without making any report or examining any witnesses, after a mere conversational examination of Mr. Griffiths whose statements before them had not been published. But he thought that a Select Committee of Inquiry, such as he had described, might succeed in producing a valuation measure such as they could submit to the House after mature consideration, and be able to stand by in all its principles and details. He did not think it likely that a measure of that perfect character could be framed by this House when in Committee on the present Bill, especially at this advanced period of the Session, though he thought there was much to approve of in the Bill, which professed to introduce one uniform system of valuation for county cess and for poor-law purposes.

LORD NAAS said, he was glad to hear from all quarters that there was no real objection to the principle of the Bill. He believed it was almost universally admitted that it was desirable to establish a uniform system of valuation. His hon. Friend the Member for Leitrim (Mr. Clements) recommended, as he (Lord Naas) understood him, that the different Unions should have the power of effecting Valuations for themselves, subject to the superintendence of a Government officer. But he (Lord Naas) was afraid that that arrangement could only lead to a continuance of the evils of the present system. He did not hold himself pledged to all the details of the measure, and he would be prepared carefully to consider in Committee any suggestions for its amendment. He could not agree to the suggestion of the hon. Member for the county of Cork (Mr. V. Scully) that the Bill should be referred to a Select Committee. He had seen a great many measures referred to Select Committees, but had never known any good to follow from the adoption of such a course. He believed that in Select Committees hon. Members never changed their opinions, and were occupied there from day to day in urging arguments which they afterwards repeated in the House.

Question put, " That the word ' now' stand part of the Question."

The House *divided:*—Ayes 89; Noes 6: Majority 83.

Main Question put, and *agreed to.*

Bill read 2°.

PATENT LAW AMENDMENT BILL.

Order for Second Reading read.

Motion made, and Question proposed, " That the Bill be now read a Second Time."

MR. WAKLEY presented a petition, praying that the Bill be referred to a Select Committee.

MR. ALDERMAN SIDNEY presented a petition from Pentonville, praying that the measure be not referred to a Select Committee, but that certain clauses be altered.

MR. COWAN was of opinion that the Bill should be referred to a Select Committee to take evidence as to the effect the measure would have upon various interests in the country. No one could be more convinced than he was that the patent law required amendment; but he thought it was impossible to pass a satisfactory law on this subject during the present Session, and therefore he thought they ought to devote the time that yet remained to obtaining evidence from practical men, whose suggestions might be adopted in the next Session. There were one or two objections to the present Bill, to which he would call their attention. In the first place, the prerogative of the Sovereign was injuriously interfered with; for, though it was provided in the 17th Section that nothing contained in this Act should interfere with the prerogative of the Crown, yet in other sections he found that the Bill appointed certain official persons as Commissioners who were to administer the new law, and a part of their duty was to appoint an Examiner or Examiners, to whom all applications for patents were to be referred; and he put it to the House whether a power of that kind ought to be committed into the hands of any subject. Then it was provided that the legal proceedings connected with all patents in Scotland and Ireland, should be transferred to the Courts in Westminster Hall. Now, various complaints had reached him from Scotland with regard to the efforts which had of late been made to transfer the ancient rights and privileges which Scotland possessed as an independent kingdom, to English courts. Besides, it deprived the legal practitioners in Scotland of their legitimate professional occupation, and would be productive of great inconvenience to litigants, who would all be obliged to come up to the Courts of Westminster, though they already possessed in Edinburgh courts in which they had the fullest confidence, as well as practitioners who were as capable of defending them as any that could be found in this metropolis. Another objection to the Bill was, that though one series of payments extended the right of patent to the three Kingdoms and the Channel Islands, yet it did not include the Colonies. On all these grounds he thought it would be better to delay the measure. He did not like to move to that effect. [*Cries of* " Move! "] No, he would like to hear first what the right hon. Gentleman had to say in its favour; but he thought it would be much better to send the Bill to a Select Committee, with the usual power to send for persons, papers, and records.

MR. WAKLEY did not concur in the recommendation of the hon. Gentleman that the Bill should be postponed to another Session, because he had received representations from various quarters regarding the evils of the present system; and he thought there ought to be some alteration without loss of time. Without doubt the present Bill was regarded by practical men as a very imperfect remedy for the evils that existed; and therefore he thought it ought to be referred to a Select Committee, who would have the power to examine practical witnesses upon the subject. The House of Lords had had a Committee upon the subject; but he regretted to say that that Committee did not call before them the class of witnesses who were best capable of giving information. He regretted that the complicated machinery of the present system was continued in the Bill, believing that the right principle of dealing with inventions was to assimilate them as much as possible to the principle of copyright of books; because, after all the pains and expense an inventor was put to in procuring his patent, if his right were questioned, he had still to go to a jury; whereas, if an author had a copyright worth 10,000*l.*, he had only to go to Stationers' Hall to secure it. He thought it ought to be the same with regard to inventions. He could not see any distinction between the two cases, whether a man impressed the image of his mind upon brass or steel or paper. Was it not a hard thing that a poor man of inventive genius, if he discovered something that would raise his reputation, as well as be to him a source of wealth, and a benefit to the country, should be encountered at the very outset by the payment of a sum of money which he was not able to command; so that his only resource was to go to some speculative capitalist, who would purchase from him for 10*l.* or 20*l.* an invention which might be worth 50,000*l*, He thought that every facility should be given, especially in a country like this, to persons who brought out inventions; and yet the fact was that in this respect we were behind almost every country on the Continent. In France, Belgium, Denmark, and the United States, a man might secure all that the English law of patent gave him, for less than 10*l.*, while in this country he was required to pay between 300*l.* and 400*l.* In France a man had merely to go and register his invention; and by that act of registration he would have perfect security, and at a cost of not more than 4*l.* This was a preposterous state of things, and ought not to be permitted. He would be delighted if the right hon. Gentleman opposite (Mr. Henley) would apply his own powerful and vigorous mind to the subject; and he was sure he would come to the conclusion that the patent law ought to be assimilated to the law of copyright.

Mr. Wakley

MR. BROTHERTON said, this measure had already been before various Select Committees, and it appeared to him that the proposal to refer the Bill to another Committee was only in effect to postpone it to another Session. For his part he thought this was a useful Bill; he had received several letters from his constituents in its favour, and he hoped the right hon. Gentleman would not agree to send it to a Select Committee.

MR. JOHN STUART said, that hon. Members had stated that this Bill had already been before several Select Committees; and one hon. Gentleman had stated that if it were now referred to a Committee, the Session would pass over before it could be considered. But he (Mr. Stuart) could not see why sending this Bill to a Committee should necessarily result in throwing the Bill over to another Session. This Bill was prepared by the late Government. [Mr. HENLEY dissented.] He had understood so; but it now appeared the right hon. Gentleman treated it as his own Bill. The subject was no doubt one of vast importance, and one on which public opinion was greatly divided. The hon. Member for Finsbury (Mr. Wakley) had proposed a principle which he believed had never been sufficiently considered. He had proposed that the law of patent should be assimilated to the law of copyright. He did not accede to that proposition; he was not prepared to abrogate the patent law; but still he believed that between the present state of the patent law, and the more extreme opinion advocated by the hon. Member for Finsbury, there were many intermediate points which well deserved consideration. The measure not only affected the rights of individuals, but it dealt with great questions of constitutional and international law. He referred more particularly to the 27th Section, in which he found an extraordinary provision, which might be very good or very bad, but which was certainly entirely new. It provided that English patents should not prevent the use of inventions in foreign ships resorting to British ports; so that as far as regarded discoveries applicable to navigation and commerce, the whole value of the patent would be annihilated by that clause of the Bill. The only exception to the clause was the case of countries which did not concede the same right to English ships. He longed to hear what the right hon. the President of the Board of Trade had to say in favour of that clause. A bad alteration of the law was worse than no alteration; and therefore he implored the House not to pass this measure without due consideration. They had a warning before them in another Bill which was to come before them to-night—the Wills Amendment Bill. Some years ago the law of wills was thought to require alteration; and though the present Lord Chancellor, then Sir Edward Sugden, implored the House to delay the Bill for three months, yet it was forced through, and the consequence was, that no man now knew how to make his will; even one of the ablest lawyers of his time (Mr. Jacob) made a will, which was among the first litigated under the new law; and after seven volumes stuffed full of reports of litigated cases, they were now going to alter the law again. He trusted that this would prove a warning to the House, and therefore he implored his right hon. Friend not to press the measure during the present Session, but to agree to its being referred to a Select Committee.

MR. HENLEY said, that a Bill on this subject had in some degree been prepared by the late Government before they went out of office; and, in point of fact, the present measure was substantially the same Bill that passed both Houses of Parliament last Session—which was sent down from the House of Lords to this House, where some amendments were made in it —which was then sent back to the House of Lords, where the amendments were agreed to; and which, if the Session had continued but one day longer, would have become the law of the land. With the exception of a single clause, his hon. and learned Friend (Mr. Stuart) had not stated one objection to any of the provisions of the Bill; and he (Mr. Henley) did think that that was very odd, coming from a person of so much acuteness. Instead of bringing objections to the Bill, his hon. and learned Friend had amused the House with a long discussion on the subject of wills, as if wills had anything to do with the matter before them. With respect to the 27th Clause, he (Mr. Henley) was ready to admit that the subject to which it related was one of the greatest difficulty; and whether the clause could be amended so as to be put into a better shape, and deprived of its retrospective effect, was a matter well worthy of consideration in Committee, where he should be ready to attend to every reasonable and proper suggestion. The hon. and learned Gentleman had, however, omitted to state that the provisions of that clause were to have effect only in case of reciprocity. Now, what were the facts in relation to this subject? A person takes out a patent, say for a screw steamer. He takes the legal steps open to him, so that a vessel cannot use his patent in the ports of the United Kingdom; but there was nothing to prevent the patentee from going to Holland or to America and taking out a separate patent in each of those countries, so that when any unfortunate vessel using his patent went to those countries it might be seized upon by any parties that had an assigned right in the patent, and universal injury to commerce would ensue. He was surprised that his hon. and learned Friend should have fastened on this clause, and that he should not have given the House any information on the main subject and purport of the Bill. The hon. Member for Edinburgh (Mr. Cowan) had stated that this Bill invaded the Queen's prerogative; and as an illustration he said that Her Majesty was to appoint Commissioners who were to perform all their functions under the authority of the Crown—and this he had called an invasion of the Queen's prerogative: but since Her Majesty was to appoint certain officers, it appeared to him (Mr. Henley) not to make much difference whether the duties to be performed were executed by the law officers of the Crown or by Commissioners. Then the hon. Member had said that he thought it hard that Scotland and Ireland were to be deprived of the power of settling their own quarrels in their own law courts. If that were really the effect of the provisions of this Bill, no one would be more ready than he (Mr. Henley) to agree with the hon. Member; but the main principle of this Bill was, that this being a United Kingdom, if a patent was granted, it ought to run through the United Kingdom. That was one great principle of the Bill; whether the machinery for carrying it out were the best and simplest that could be contrived, he, for one, would be sorry to say: it might be capable of improvement, but that must be done in Committee. Now, since it was desirable to have one patent for the United Kingdom, it was necessary to set up some machinery common to the three countries; and the Commission would consist of the Master of the Rolls, with the law officers of Ireland, Scotland, and England, so that a Scotchman applying for a patent could make reference to the

Scotch law officers, and an Irishman to the Irish law officers; and there could be no doubt that each case would be adjudicated upon in accordance with the particular law and custom of the country from which it proceeded. The extension of patents to the Colonies was a subject not altogether free from difficulty, and the practice with regard to what were called Crown colonies and other colonies was somewhat different. But the Bill might be amended considerably in Committee; and, if necessary, a clause might be introduced further securing the prerogative of the Crown in this particular. It was his desire to make the Bill as simple as possible, to save expense, and to relieve parties from the necessity of future litigation. With regard to copyright, many persons supposed that there was the greatest difference between that and a patent. For his own part, he could not see it, and he did not believe that the law with regard to the two was very different. Copyright could only be sustained by proving that the work was original, and a patent by its being proved to be a novelty. But it was said that a man with a copyright sets forth his ideas for the benefit of all the world. It was true that he did so; but then he put his own price upon them. Well, then, a party with a patent exhibits his patented article for sale, with a price affixed to it. Therefore he (Mr. Henley) could not see any great difference between them. Then some persons said that patents ought altogether to be done away with. He confessed that he was not of that opinion himself; but it was held by many men of great practical knowledge and intelligence. The subject of expense was a material feature in this question. He believed that he was not wrong in saying that a patent for the three kingdoms could not be taken out at present for a less sum, in fees and stamps (independent of the expense of a patent agent), than *250l.* or *260l.* The present Bill proposed that patents should be taken out for the expense of *25l.* That would be an enormous boon to parties seeking patents; and if they found their invention so useful that at the expiration of three years they wished to extend the period of the patent, they might do so by paying a further sum. He was afraid that, in reducing the price of patents so low, there must be considerable loss to the Treasury— [Mr. Wakley: But gain to the public.] The hon. Member said there would be gain to the public; but if

parties were to have privileges it was fair that they should pay for them. It was not certain what would be the extent of this loss to the Treasury—that would depend upon whether or not there would be an increase in the number of patents, owing to the diminished cost. He would not now enter on the various details of the Bill, which might be better considered on a future occasion. With regard to the recommendation of the hon. Member for Finsbury, he (Mr. Henley) had throughout expressed his readiness that this Bill should go before a Select Committee, if hon. Members believed that they could not see their way with respect to some of the clauses, and wished to hear evidence. But he thought that to wait for an entire year, until every Member of that House should have his objections removed on every point, would be equivalent to saying that they should never do anything for the amendment of the patent laws. There must necessarily be considerable difference of opinion; but they should act on a balance of arguments, and thus endeavour to amend the law. He hoped the House would consent to the second reading of the Bill ,with a view to its being improved in Committee.

Mr. S. CARTER observed that the loss to the Treasury by the diminution of the patent fees would not be so great as had been represented by the right hon. Gentleman the President of the Board of Trade; for it appeared from the Schedule that the total amount of fees would be *149l. 11s.* That was enormously too high, and he should propose in Committee to reduce it considerably. With regard to the punishment to be awarded for pirating inventions, he thought that the simple fine proposed by the Bill was not sufficient, for he held that an individual was guilty of as flagrant a wrong who pirated another's invention as the man who robbed his purse. He thought it would be a useful Amendment to make the piracy of patents a misdemeanour punishable by fine and imprisonment.

Mr. MUNTZ was surprised to hear the right hon. Gentleman opposite say that the Bill was the same in principle as that of last year. He considered that it was altogether different, and that it was as bad a Bill for inventors as could be devised. It had, in fact, only one redeeming clause, and that was the one which enabled an inventor to obtain a patent for a small sum in the first instance, and to renew it afterwards at a little additional expense. He considered that it would be impossible for the proposed Examiners to investigate the novelty and utility of an invention before deciding that a patent should be granted; for it often took seven years in order to prove that an invention was novel and useful. His own invention, which was now adopted by all, required fully that period; and he was convinced that if it had had to go before the Examiners proposed by the Bill, they would have said his discovery was not worth notice, and would have refused his application altogether. But there was a much more important principle than that alluded to by the hon. and learned Member for Newark, namely, a clause by which no invention, if it could be proved to have been used in foreign countries, could be patented at all. They would only have to get a couple of vagabonds from the Continent to swear that they had seen the invention before, and the inventor would be deprived of the fruits of his ingenuity; and after the celebrated case of Queen Caroline, nobody could doubt that they could get foreigners to swear anything. The principle of the clause relating to ships was most objectionable; especially when they considered that the recent alteration in the law had caused a much greater number of foreign ships to come to our ports. Where he himself used to sheathe one foreign vessel, he now sheathed three. The provisions relating to the Colonies were also extremely important. Take sugar for instance. The English manufacturers would be materially affected if they had to pay a heavy royalty, while the colonial manufacturers escaped with impunity. He had said that the reduction in the expense was the redeeming feature of the Bill; but that might, if the Government chose, be equally well carried out under the present law; and it would be a great deal better to make the reduction with the existing system, than hastily to carry a bad Bill through the House. He did not mean to say that the right hon. Gentleman could not refer the Bill to a Select Committee; and if he selected his Select Committee well, he might get a very good Bill. That would depend very much on the practical knowledge of the Gentlemen composing the Committee. If they happened to have no practical knowledge, the Bill would be a very bad one. Unless the right hon. Gentleman would pledge himself to alter the Bill in the parts he had indicated, he should oppose the second reading.

Mr. J. GREENE said, that were it not for the great injury inflicted by the existing patent laws during the last half century, he should not be disposed to support the second reading of this Bill.

Mr. W. WILLIAMS said, that reference had been made to a possible charge on the Treasury for the carrying out of this Bill, and he hoped an estimate would be given of that charge. Last year he had understood the amount for compensation and the reduction of fees would be very considerable.

Mr. ROUNDELL PALMER said, it appeared to him that this was a subject of great importance, and that it would be very much to be regretted if, for the sake of a hurry which he confessed he could not see the reason of, the House should be led to pass a measure which introduced not only new regulations, but also, in many respects, new principles into the patent law of this country. He, for one, had formed a very strong opinion that it would be useless to pass the Bill, even through the present stage; and that it would be a far wiser course not to attempt to consider the clauses of the Bill in Committee this Session, but to postpone the whole subject to a future Parliament: and he would shortly state to the House some of the reasons which had led him to this conclusion. He knew it had been said that this was the same Bill which was pressed forward at the end of last Session, and which had advanced to the last stage in that House; and that this was a reason why they should pass the present measure. But he begged to observe that the measure of last Session was introduced at a late period, and that, it having been urged upon the House, that on account of the peculiar reasons which existed in connexion with the Great Exhibition, it was of great importance to pass it at that particular time, many hon. Members—himself among the number—were led to pay a less vigilant attention to the Bill, under those circumstances, than they would otherwise have done. Now, he had looked carefully through the present Bill, and it appeared to him to involve three entirely distinct subjects, if not more. One part of the Bill embraced a very useful class of clauses; and if the Government would content themselves with those, the Bill might probably pass without difficulty through Parliament. The clauses to which he referred went merely to the reduction of fees, and the better regulation of legal proceedings on the subject of patents. This was a most useful part of the Bill; but with respect to the rest of the clauses, he thought them open to serious question. In a case of this importance he thought the House were entitled to know whether the Bill had received from the Government that mature consideration which would enable them to say that it embraced those principles upon which they thought the question ought to be dealt with by Parliament, and whether they were prepared, upon their own responsibility as Ministers, to urge it upon the House. If he mistook not, this Bill was not prepared by the present Government, and they were by no means responsible for it. They might have felt it to be their duty to facilitate its consideration by the House, and that might be a very proper course to take; but it was not their Bill. It was prepared by the preceding Government, and chiefly, he understood, by a noble Lord (Earl Granville), who, with great candour, had stated in another place that he was unfriendly to the whole principle of a patent law, and that he looked forward to its entire abolition at no distance of time. Now, this was a very important question, and one, the dispassionate consideration of which the House was not likely to enter upon at the present period of the Session. In reading through the Bill, he thought he could trace the tendency of the noble Lord's mind in the different clauses; and if the Bill should pass as it stood, he believed it would be found hereafter to have undermined and subverted the whole principle of the patent law. Now, was it right that the Government should urge the House to proceed to the consideration of a Bill which was supposed to have such a tendency, unless they were prepared to state either that they were satisfied it had no such tendency, or that they were willing to legislate in that direction? The Government ought to state whether they were prepared to defend the principle of a patent law as calculated to afford a salutary stimulus to useful inventions, or whether they agreed with the noble Lord that the principle of a patent law savoured of monopoly, and ought to be entirely abolished, in conformity with the general rule of free trade. There were, in his opinion, two principles involved in the Bill, which went far to undermine the whole system of the patent law. The one was that which referred to the Colonies. It was a remarkable fact that last year, when a similar Bill came down from the House of Lords, the House of Commons introduced a clause retaining to the Crown the power which it at present possessed, of giving patents to the Colonies; but the present Bill contained no such clause, and if it was passed in its present form, the power of the Crown to grant patents in the British Colonies would cease to exist. A large field would thus be swept away from patentees; and then it would be said, "You have abolished patents in Australia, Canada, and the West Indies, how can you continue to maintain them at home?" There was another principle, even more important, and that was the one concerning foreign patents, and the relation of foreign patents to English patents. There were three clauses in this Bill which were not in the Bill of last year. The first of these provided that the use of an invention abroad should be as fatal to letters patent as use in this country. Now, let the House look at what would be the immediate effect of that provision. How could a patentee be prepared to meet evidence from all parts of the world on the subject of his patent? How could he avoid being taken by surprise by witnesses whose character and competency he had no means of investigating? He (Mr. R. Palmer) had been credibly informed that there were parts of the world where, as soon as an invention was announced as having been discovered in this country, it was immediately found out that it had been long known to scientific persons in the countries referred to. Another clause was still more extravagant, and was to the effect, that if the same invention which was patented here was also patented in a foreign country, no matter at what time, no matter by whom, whether friend or enemy, whenever the foreign patent expired, the English patent must expire at the same time. No one, he thought, could introduce or devise any means more likely to undermine the patent law than this. Another clause provided that no letters patent should prevent the use of inventions in foreign ships resorting to British ports. He thought it impossible that these three clauses could be agreed to. But his objections to the Bill did not stop there. There was a series of clauses at the beginning of the Bill which introduced a new system of investigation preliminary to the granting of a patent, of which the effect would be, first, to create a number of new salaried officers; and, secondly, to drag the patentee into two expensive lawsuits, one before the Examiner, and another before the Attorney General;

and then, when all was done, and he had got his patent, he was no better than before, unless he could satisfy the original conditions of his patent with respect to novelty and utility, to prove which any one could oblige him to come into a Court of law. He thought the present system afforded, upon the whole, as good a check as could be provided for preventing undue extension of patent rights, and that the proposed plan would, in contested cases, expose patentees to most expensive processes of a preliminary nature. He also considered that that portion of this Bill which provided for publicity being given to patents and specifications, required great consideration. If all the patents, with specifications and drawings, were to be published at the public expense, the scale of fees proposed to be established by the Bill would be utterly insufficient. He thought there were many other provisions of the measure which required grave consideration, and that it was hopeless to proceed with it in a Parliament which must so soon expire. If, therefore, a division took place, he should, feel it his duty to vote against the second reading of the Bill.

MR. WALPOLE said, if his hon. and learned Friend had been present when his right hon. Friend the President of the Board of Trade explained the object of the Bill, he would have found that it did not interfere with the principle of the patent law, but maintained it as a wholesome stimulus to invention. The hon. and learned Gentleman had said that there were two clauses of the Bill which contained such new and important principles that they ought not to be adopted without more consideration than could be afforded to them during the present Session: the one the clause relating to foreign ships, and the other to inventions the use of which was known in foreign countries or the Colonies. With regard to the first, the object was to anticipate those differences which might arise and become matters of international law in reference to foreign ships carrying their nationality with them, which would be extended to articles used on board ship. The President of the Board of Trade had stated, however, that the House, in passing the Bill, was not bound to adopt that provision. With respect to the use of inventions used in the Colonies or abroad, he agreed with the hon. and learned Gentleman that the principle of the Bill in that regard required great and careful consideration. But those two provisions were quite independent of the main object of the Bill, which was first to diminish the expense of a patent to the inventor—and the reduction would be from 260*l.* to 25*l.*—and next to establish one patent for the three main divisions of the United Kingdom, so as to prevent a patentee being obliged to take separate patents for England, Ireland and Scotland. He could not help thinking that the effecting of these two purposes would constitute a great benefit to the public and the inventors; as for the objection of the hon. Gentleman (Mr. Muntz) to the Examiners, the hon. Member appeared to have misunderstood their proposed duties: the object of those officers' functions was to give to the law officers of the Crown an assurance, based on scientific knowledge, that the inventions proposed to be patented were worthy of a patent, and not to determine upon the novelty or the propriety of the grant. But if there was an insuperable objection to that provision, it could be altered in Committee. He hoped the House, then, would allow the Bill to be read a second time and referred to a Select Committee; after which they could see whether they would adopt the whole Bill, or separate from it the two provisions to which he had adverted.

Bill read 2°, and *referred* to a Select Committee.

LAW OF WILLS AMENDMENT BILL.

Order for Committee read :—House in Committee.

Clause 1.

MR. BETHELL felt obliged to detain the Committee for a few minutes upon this important measure, while he stated the reasons which had necessitated the bringing in of the Bill on the propriety of which they had now to determine. The law of this country in respect to wills, as it stood before the 1st *Vict.*, c. 26, required that every will, as far as it respected real property, should be signed, although it did not require that the signature should be affixed to any particular part of the document. Great difficulties arose from the application of that law. The Committee would understand the mischief that resulted, if they bore in mind that, if the signature was prefixed to the will, or contained in the first line, and that it was a signature acknowledged by the testator, and attested by the witnesses, it left room to the testator to add at any subsequent time a further clause to the will. It therefore occurred to the Commissioners for the improvement of the law, that the signature of a testator should be placed "at the foot or end of the will." They recommended a provision to that effect, and that provision was accordingly embodied in the Act passed in the first year of the reign of Her present Majesty, which was recited in the Bill before the Committee. Unfortunately the words "at the foot or end thereof" had led to as much difficulty, litigation, and distress as any other similar number of words that had ever been introduced into a statute; and they had made that plain enactment "a delusion and a snare" to a great number of persons who believed they were making and executing their wills according to a plain rule which was intelligible to ordinary capacities. The construction put upon these words had been that if the signature was not actually put at the end of the last clause of the will—if the signature was placed at the foot of the clause, or outside, or occupied any other position on the face of the will than that which strictly corresponded with the words "at the foot or end thereof," the will was pronounced to be informally executed. Now that evil had increased to so great a degree that it was hardly possible for any man to tell whether his will was signed in the manner required by the strict interpretation which those words had received—no man could possibly tell whether his will was legally signed or not. That interpretation had unfortunately been carried down by such a long series of authorities, and confirmed by the Judicial Committee of Privy Council—the court of ultimate appeal—that there was no possibility now of altering it by a contrary decision, and the only possible mode of relief was a resort to the Legislature of the country. The present Lord Chancellor, perceiving the evil, with that care for the administration of the law which had always distinguished him, and for which his countrymen owed him a large debt of gratitude, had come to the relief of the subject by the introduction of the present Bill. But whilst he (Mr. Bethell) gave that eulogy and approbation to the intent and purpose of the Bill, he could not but express his surprise and regret that it should have been framed in the manner in which he found it to be framed, which, if adopted by the House, he would venture to predict would not only not remove the mischief that had arisen, but would multiply and augment that mischief to a painful degree. The Committee were now concerned in laying down a plain ordinary rule for the guidance of plain ordinary persons in discharging an important duty. But with regard to every solemnity, and every rule requiring solemnity, if they made such rules or solemnities complicated, and if they expressed them in language either techical or difficult to be understood or interpreted, then, in point of fact, they dug so many pitfalls for the ordinary people of the country, whilst they multiplied the causes of litigation and the chances of defeating the intentions of testators. He should have thought that the plain and ordinary mode of remedying the mischief would have been to repeal the clause containing the obnoxious words so liable to misinterpretation, and substitute for that clause another clause or section containing words having a plain ordinary import. But instead of adopting that ordinary and plain mode of proceeding, the Bill had recourse to this singular mode or attempt to redress the supposed evils; it left the original enactment, the source of the mischief untouched, but it made that enactment more complicated by a very long section, which was to be taken into their hands as a rule, partly for expounding, partly for remedying, the evils produced by the interpretation of the existing statute. And that was sought to be obtained by the use of a collection of adverbs, which he thought was unmatched, even in the structure of English Acts of Parliament. The first clause of the present Bill directs that every will shall be deemed valid "if the signature shall be placed at or after, or following or under, or beside or opposite to the end of the will;" and then it proceeds to remedy the confusion and difficulty thus occasioned by stating in an interpretative manner, "so that it shall be apparent on the face of the will that the testator intended to give effect to the writing signed as his will by such his signature;"—thus introducing, as he (Mr. Bethell) contended, all the elements of future difficulty and litigation. He did not think this part of the Bill could be passed into law with any security or safety. He proposed, as an Amendment, that the will should be valid if the signature of the testator were so placed, and in such a manner, as that it should be apparent that the testator intended to give effect by such signature to the writing as his will. He had adopted words which were sufficiently explicit and definite to furnish a general rule—namely, that the will should be valid when, from the position of the signature and from the attestation, it was apparent that it was the intention of the testator to give effect to the instrument as his will. The only object of the signature was to authenticate the will. That might be done in a variety of forms; and the reason why a particular position was required by law was, that the signature should be so placed as to authenticate the will, and to prevent any additions being made to it after it had been signed by the testator and attested by witnesses. These objects, he believed, would be accomplished by the Amendment which he was about to submit to the House. But the mischief in this case was not confined to that part of the clause to which he had referred. To show the extraordinary system of drafting which had been pursued, he might mention that the latter part of the clause entirely nullified the former part. For instance, there was first an enumeration of particulars, in his opinion perfectly useless; and then there were some general rules which followed that enumeration. If the general rules were useful, then he must contend the enumeration of particulars was altogether useless. The signature was still to be at "the foot or end" of the will, for the original Act remains unrepealed; but then the clause went on to say that the signature, wherever placed, was sufficient, if it was apparent that the testator intended to give effect to the will by such signature; but notwithstanding this, it further went on to say that no will should be invalid in the great variety of cases which were enumerated, although in each of those cases the rule previously laid down was violated. Nothing, he must be permitted to say, could be more inconsistent than the clause as it stood at present; and the effect of this jumble of enactments would be that the very commentary which was furnished in the clause, would abrogate the existing law, by the terms which were expressly introduced for the purpose of preserving it. Such a mode of legislation was pregnant with evil. Nothing could be a greater vice in the composition of Acts of Parliament than that they should take part of an Act of Parliament and leave that standing, and alter it by a subsequent enactment, so placed as to throw on the Judge an obligation of taking the two statutes in his hand, and yet the one which is altered is left in force, and you must ascertain from the second Act the extent of the alteration. The Judge had thus to construe the existing law, and then the alteration of that law, and to derive the rule of law from the combination and comparison of two separate things, which to a certain extent were contradictory and at variance with each other, the one being introduced for the purpose of altering the other. What he proposed to do was to repeal the existing rule, and to substitute a new one which would be plain, intelligible, and perfect in itself. He proposed to repeal the particular clause in the existing Act of Parliament, and to substitute the words which were in his Amendment. The Committee must recollect that the question now before them was one of the deepest moment, and he should be happy if this discussion gave rise to the conviction in the minds of hon. Members of the necessity of having the House provided with some tribunal, or with some set of men to whom might be referred questions of this kind, in order that the great opprobrium which now accompanied the Legislature as far as regarded the structure of their statutes (the worst, perhaps, which existed in any country) might be removed; for, however admirable the mode of their legislation in some respects might be, it was certainly miserably deficient in providing for the correct expression, in point of language, of the Acts passed by them. The language of these Acts was often left to mere chance or caprice—provisos were added at a late stage, negativing, or altering, in the most extraordinary way, all that had been done before; and the consequence was, that the Judges could not put any intelligible construction on the jumble of inconsistencies thus submitted to them for interpretation. He had spoken freely of the Bill; but he had the greatest possible respect for the noble and learned Lord who had introduced the measure into the other House, and who, he must be permitted to say, was entitled to every credit for his exertions to amend this branch of our law. He believed that this Bill was not the workmanship of the noble and learned Lord—that he had trusted to some other person to prepare it; but even if it were the workmanship of his Lordship, then it was not the first instance in which a man of the highest eminence in the profession, had failed as a Parliamentary draftsman. He (Mr. Bethell) remembered reading in the memoirs of the late Sir Samuel Romilly, that Lord Eldon had sent for that great and accomplished lawyer, and read over to him some clauses which he had prepared to alter an existing law—a matter of very ordinary difficulty—and that Sir Samuel, after reading the clauses, was obliged to tell the Lord Chancellor that he was totally unable to apprehend or divine what was the meaning of his clauses. He (Mr. Bethell) must say, that whoever read the first section of this Bill, would find himself in a maze without plan, and would toil in vain to discover any meaning. He hoped that his attempt to simplify the Bill would render it more intelligible, not only to the Judges who might be called upon to interpret it, but to the public at large, who would be so greatly affected by its provisions. He would move to omit the whole of the first clause, for the purpose of inserting in lieu thereof the following:—

> "That so much of an Act passed in the first year of the reign of Her Majesty Queen Victoria, intituled, an Act for the Amendment of the Law with respect to Wills, as enacts 'that no will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned, that is to say, it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator, and no form of attestation shall be necessary,' be, and the same is hereby repealed: And in lieu thereof, be it, and it is hereby enacted, that no will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned, that is to say, it shall be signed by the testator, or by some other person in his presence and by his direction, in such manner as that it shall be apparent that the testator intended to give effect by such signature to the writing as his will, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary."

The CHAIRMAN said, that the hon. and learned Gentleman had better move that the original clause be negatived, and then bring up his Amendment in the shape of a new clause.

Mr. BETHELL said, that he would adopt that course.

The MASTER OF THE ROLLS, not concurring in the opinion that the Bill would correct the evils which at present existed, or in the Amendment of the hon. and learned Member for Aylesbury, desired to express as shortly as he could his view of the difficulties which affected the question, and the course which it appeared advisable to take. This was a question which ought to be decided on the principles of common sense, and in which it was of the greatest possible consequence to avoid anything like technicality. The question related to a matter to be performed only once in a man's life, frequently by uneducated persons, and was one which was of vital importance to them; and it was the incumbent duty of the Legislature to enable persons of common understanding to perform it in such a manner that the law might carry into effect their last wishes. The Act regulating the law, as it stood, was a remarkable instance of the evil arising from so much legislation in a matter of great importance, and when little interference of the Legislature was required. The existing law arose out of the fourth Report of the Commissioners of Real Property, who, referring to the evils of technicality, suggested various remedies; but in the attempt to carry their recommendations practically into effect, they brought a still greater number of technicalities into play. Before the existing law was enacted, men, so far as regarded personal property, might make a will without a witness; they might sign in the first line, or in any part of it; but it was constantly found that men began to write wills who never intended them to be wills until they were completed, and, leaving certain papers which contained merely the commencement of something meant for a testamentary disposition, those papers were established as wills contrary to the real intention of the testator. The Commissioners tried, he thought wisely, to put an end to that. They required that a will should be attested in every instance by two witnesses: this was quite right, and was a very simple, plain, intelligible course. An attestation by two witnesses was a thing perfectly intelligible to all common understandings; but in addition to this rule they suggested further rules, which had produced considerable mischief, the first of which was only important in the case of a will being unattested; but unattested wills, and what were called "holograph" wills, were properly put an end to. The rules suggested were three: first, that the signature should be at the foot of the will; secondly, that the signature should be made in presence of both witnesses; and, thirdly, that the witnesses should both attest in the presence of each other and of the testator. There was one clear and plain principle which, in his opinion, ought to be kept in view by the Legislature in regard to all instruments which required any authentication: the rule ought to be perfectly uniform, so that there should not be one species of rule for one species of instrument, and another rule for another species of instrument. And another principle equally clear was, that every rule of law which went to nullify any instrument, should be permitted to exist only where there was some clear, distinct, special reason which rendered it absolutely necessary to nullify the instrument unless that form were adopted. Try these rules by these principles, and they would all three be found to be injurious. It was difficult for Gentlemen not acquainted with what took place respecting probates in Doctors' Commons to conceive the evils produced by framing rules at variance with the principles for which he was contending; but he spoke without exaggeration when he used the language of the late Sir Herbert Jenner Fust, who told him that every week there was a basketful of *bonâ fide* wills which had not been admitted to probate. Now, after pointing out the defects which the existing law and the present Bill were equally chargeable with, he would ask the Committee whether they were confident that they were competent, without further inquiry, sitting there as they were then, to deal with the subject, and to cure the evils which had been introduced into the law of wills, without occasioning others to an equal or greater extent, by the legislation which they might substitute. He wished to submit to them whether a subject of that kind would not be better considered in a Select Committee, composed of persons conversant with the law, who could call before them persons familiar with the mischief to be dealt with? Now, as regarded these evils, the Bill before the House only attempted to deal with the first of these rules, leaving the defects arising from the other untouched; and, with respect to the first of these rules, both the Bill and the Amendment of his hon. and learned Friend did so imperfectly, for they left untouched the provision which required signing at the foot. The words "signed at the foot" must have been inserted by the Commissioners with the idea of a deed present to their mind, which it was usual to sign at the foot, and therefore under the impression that it was proper to insert these words. They did not foresee that these words would necessarily raise a question in every instance, what was the foot—whether the will was signed at the foot. He believed if they had simply required that the will should be attested, they would have done all that was required for the authentication of the document. For instance, a sign-manual by the Crown must be attested, but the Queen signed at the head of the document; and the authenticity of it was ascertained by the proper authority attesting it at the foot. What was an attestation was a very simple matter, about which there could be no difficulty in arriving at the proper conclusion. He was of opinion that no such provision should ever have been inserted as that requiring the "signature at the foot thereof," and that nothing more should be requisite than that the will should be signed and attested, which would leave the Judge free to determine whether what had been done was a sufficient compliance with the law, which required signature and attestation of that signature, and nothing more. Then the Amendment of his hon. and learned Friend proposed to enact that the testator "shall sign it in such a manner that it shall be evident that he means to give effect to it as his will." The effect of that would be to institute a lawsuit on every will, to determine whether the testator had sufficiently evidenced his intention on the document; it would be a source of profitable employment to the lawyers, and of serious calamity to the public at large. Test this by the case of deeds conveying an estate: all that is now required is execution and attestation; if the law required that the execution and attestation should be in such a form as to show that the gentleman meant thereby to convey an estate, great expense and litigation would be the consequence; but the law only required execution and attestation, and he was of opinion that no more should be required in a will. The present Statute of Wills positively stated that no form of attestation should be requisite; and it would be naturally thought that was the effect of the statute. The fact, however, was, that since it was required that the testator should sign or acknowledge his signature in the presence of the witnessess, these must attest it in the presence of the testator; but unless the written form of the attestation stated these facts, each of them must be proved before the will was admitted to probate, and to prove these facts was generally found to be a very difficult thing to accomplish. As an evidence how this worked, he would mention one case. A will had been executed in India with all the due formalities, and two witnesses were present, both natives of India. It was suggested that it would be desirable to have one European witness, and one was sent for. Before he arrived, however, the testator had executed the will—he did not acknowledge it in the presence of this witness, and it was in consequence declared to be invalid, arising from excess of caution in endeavouring to comply with unnecessary rules. Nay, he believed it sometimes led to fraud; for the heir who wished to overturn a will had merely to say to the attesting witnesses that he was displeased with the provision made for them — that something better should be given them; and then he would ask whether they had signed it in the presence of the testator. It might happen that they would not recollect, or could not, and it was found on these occasions very difficult to refresh the memory of the attesting witness when his interest was opposed to his recollection. He confessed that he had considerable doubts as to the propriety of requiring the witnesses to be present when the testator's signature was affixed. The main object to be effected was to secure the greatest possible amount of uniformity, and the absence of anything like a series of questions and decisions hereafter upon the subject. Would the present Bill have that effect? He ventured to say that not a single lawyer conversant with wills in the courts of probate had been consulted who had expressed his belief that such would be the effect of the Bill; and, for himself, he believed that the clause, as it stood, could not possibly obviate the existing evils. The defect of the Bill was, that it left the evil principle untouched, but it pursued the various decisions made to enforce that principle, and repealed them; but new cases and fresh decisions would arise which the Bill did not, and could not, meet. The law should be such that every man might be able to make a will, which, being signed by him and attested by two witnesses, should be binding. If they had that, they would require nothing more; the law would be perfectly intelligible, and it would give effect to every will intended to be *bonâ fide*. Forged wills were fortunately very rare; but where they did exist it was the unanimous testimony of all acquainted with the subject that in such the formalities were most strictly observed, and that all these technicalities only affected *bonâ fide* wills. Under these circumstances he begged to press upon his right hon. and learned Friends the Home Secretary and the Solicitor General the propriety and importance of referring this Bill to a Select Committee, that it might receive that due consideration which would enable the House to pass a measure to remedy the existing evils. If the Committee could go through the clauses in the present Session, and agree upon the framework, there would be no difficulty in passing a Bill speedily through Parliament; but even if the delay of another Session should be the consequence, the evil would not be so great as passing a crude and imperfect measure which should give rise to a new series of decisions in courts of probate, and the necessity of amending it again in a future Session of Parliament. Upon these grounds he would suggest that the Chairman should now report progress, in order that the right hon. Gentleman might consider the propriety of referring the Bill to a Select Committee.

The SOLICITOR GENERAL agreed with the hon. and learned Member for Aylesbury (Mr. Bethell) that it was impossible to overrate the importance of this subject; but regretted that he was obliged to differ from his right hon. Friend the Master of the Rolls as to the expediency of referring the Bill to a Select Committee, or interposing any delay whatever to its passing into law. Let them consider the state of the law when the Bill was brought in, and remember what was the object of his noble and learned Friend in another place, and they would then see how necessary it was at once to carry out that object, and to perceive that delay would only tend to introduce confusion into the law, and to prevent any immediate remedy being applied to the existing evils, which were of a most serious character. While they were debating on this Bill, people were making their wills, and some of them were paying the debt of nature; and it was quite possible that many wills had been made in the interim, which, unless this Bill pass, would prove to be inoperative. For a moment he would call attention to the present state of the law. A great and important amendment had been introduced into it in 1837 by Lord Langdale. By it wills of reality and personalty were placed on the same footing: both were required to be executed by the testator at the foot, and to be attested by two witnesses; and it was thought that by that Act the object of the Legislature had been attained, and that no doubt could arise. Nothing could be apparently more clear and simple than the provisions of that Act; but unfortunately a series of decisions had taken place upon the particular clause which required the will to be signed at the foot, which had had the effect of defeating the will of a great number of testators. It had been held by various Judges in various courts that where an interval was left of an inch or an inch and a half between the end of the will and the signature of the testator, such will was not valid; so also if it were written on one side, or in fact anywhere except immediately following the last word of the will. In consequence of this, and the evils and difficulties which arose under it, the noble and learned Lord who now sat upon the woolsack had felt it to be his duty at the earliest possible moment to bring the subject under the consideration of the other House of Parliament, and to suggest what he hoped would prove a complete and efficient remedy. He had heard with great surprise the observations which had been made upon the structure of this Bill by his hon. and learned Friend the Member for Aylesbury; and he had heard with equal surprise the disapprobation which had been expressed by the Master of the Rolls. He could not but remind the Committee that the noble and learned Lord who had performed the great service to the country of undertaking this task, was not only the greatest of living Equity lawyers, but that he possessed more extensive experience in that practice and administration of the law than any man now existing. Moreover, he was eminently familiar with the subject. He had published a work upon it, and had long dedicated his attention to it both at the bar and on the bench; and, above all, he was the author of some of the most useful Acts of Parliament relating to the disposition of property. Bringing all these great qualifications to the task, he had framed the Bill which was now submitted to the Committee for its approbation. He would just call the attention of the Committee to what the effect of the Bill was. Seeing that by the Act of 1837 it was enacted that no will should be valid unless signed at the foot or end thereof by the testator, and seeing that those words had given rise to doubts and to numerous decisions adverse to the express provisions of the wills of the testators, what his noble and learned Friend proposed was this, that every will, so far only as regarded the position of the signature of the testator, or of the person signing for him, should be deemed to be valid, whether the signature should be placed at, or after, or following, or under, or beside, or opposite to the end of the will. Now, what was the grievance intended to be remedied? It was this—that whereas the statute contained the expression "at the foot of the will," and unless the signature appeared at the end of the last word of the will, the will itself was declared to be invalid. The remedy proposed was, that whenever the signature should be placed upon or to the will, so that it should be apparent upon the face of the will that the testator intended to give effect by such signature to the writing as his will, it should have that effect. He apprehended it was not the intention of the noble and learned Lord, nor the intention of that House, to enter upon the general subject of the making and execution of wills, but to remedy a specific grievance. He would not say that much that had fallen from the Master of the Rolls was not entitled to the serious attention of the Legislature; but the question at present before them was this—that whereas, there being one specific grievance that required to be remedied, was the remedy proposed an effectual remedy? He apprehended that it was. With regard to other defects of the law of wills which required amendment, he should be happy to concur with the Master of the Rolls in any proposal he might hereafter bring forward to amend the law in those respects. His hon. and learned Friend considered the specification of the particulars which should not affect the validity of a will to be superfluous; but since those particulars were in fact the decisions of the Courts on account of which wills had been declared invalid, unless they were particularised, in order that it might be declared that they should not in future invalidate a will, even the adoption of the Amendment proposed by his hon. and learned Friend would not prevent the Prerogative Court to-morrow again declaring a will to be invalid, if similar objections were to be raised against it as any of those which had formed the ground of such previous decisions. He apprehended, therefore that the whole of the clause was necessary to supply a sufficient remedy to the specific evil that existed; but he by no means affirmed that all the evils arising out of the Act of 1837 would be remedied by this Bill. He would add one word more. His right hon. Friend the Master of the Rolls, and his hon. and learned Friend (Mr. Bethell), seemed to suppose that these Acts of Parliament were intended only as a guide to those who made a will as to how they were to make it. But that, he apprehended, was not the intention of an Act of Parliament. The great mass of the makers of wills seldom looked at an Act of Parliament to learn how to make their wills. It was not the province of Parliament to teach people how to make their wills; it was rather to inform Courts of Justice how they were to interpret wills when they came before them, and how they were to pronounce upon the validity or otherwise of the execution of those wills. The true question was this, would an Act of Parliament thus framed enable a Court of Justice which had to pronounce upon a will to do justice and give effect to that which was clearly the intention of the testator? With regard to this clause, he thought, as it was now framed, it was calculated most effectually to remedy the evil which existed under the Act of 1837; whereas the Amendment of his hon and learned Friend would leave all future wills open to the very objections which it was the object of this Bill to put an end to. He, therefore, hoped the Committee would agree to the clause without any alteration whatever.

Sir WILLIAM PAGE WOOD said, that no person could dispute the gratitude which the public ought to feel towards the noble and learned Lord for attempting to remedy a grievance which was pressing with great severity upon a large portion of the people. No person could dispute the magnitude of the evil, or the necessity of the remedy; but it was quite another thing to say that the Bill in its present imperfect form should be placed upon the Statute-book. He only regretted that the Bill had not long ago been referred to a Select Committee. Very little time would have been lost; but when it was proposed, the Solicitor General said, the delay would be fatal. He recollected that the Bankrupt Bill, which contained 280 clauses, had been passed through the House in about six hours after it had been referred to a Select Committee. In this instance the Bill only contained four clauses; it might therefore be disposed of in Committee in two days, and pass through Parliament in a couple of hours. He could not concur in the hon. and learned Gentleman's statement, that it was not necessary for the public to understand the Bill, if it became law. If anything came home to men's bosoms, the making their wills did so; and it was very well known that in the great majority of cases wills were made without professional assistance. It appeared to him that the measure, as it stood, was so encumbered with a farrago of words, that, instead of making the matter clearer to ordinary apprehensions, it involved it in additionsl mystification. A whole string of words—"at, or after, or following, or under, or beside, or opposite"—were set forth to indicate the position of the signature; all of them simply meaning, as was admitted by the Solicitor General himself, "wherever" such signature was placed. Why, then, instead of this string of words, not have the word "wherever?" Or, why the string of unmeaning "ors" which followed? Why not simply adopt the proposition of his hon. and learned Friend to omit from the present statute those words which had created all the difficulties—"at the end or foot?" Then followed a set of words, the reason for whose introduction into the Bill he was quite at a loss to conceive. The Solicitor General indeed said that unless they were inserted they could not tell that, if any one of the cases referred to occurred again, the same decisions which were now condemned might not be given again, and the same evils which it was now sought to remedy might not again arise. But it was plain that all these decisions and these evils had arisen from the words "at the end or foot" in the existing statute, and that when they were removed, the difficulty would cease. The noble and learned Lord who introduced the Bill, seemed indeed to have felt that the enumeration of these circumstances, which were not to affect the validity of the signature, was not sufficient; for the clause went on to say that their enumeration should not affect the generality of the enactment. Why, then, insert them at all? for the only effect of their statement would be to confuse the minds of simple persons. But then followed a portion of the clause the effect of which would be absolutely mischievous, for it declared that "no signature under the said Act, or this Act, shall be operative to give effect to any disposition or direction which is underneath, or which follows it." Now, suppose a person after signing his name, fancying he had concluded, thought of something additional, and wrote it at the side, and a little below his signature, this will would be invalidated by the words to which he had referred, although the witnesses might have signed their names below it, and although the testator might have acknowledged it as his disposition in their presence. Now this would be a most unjust proceeding, and would create very extensive mischief. All that they wanted to know was, whether a man, by his signature, really meant to attest the document to which it was placed as his will. It would be a discredit to the Statute-book to adopt such a farrago of words as this clause contained; and he begged Her Majesty's Government to assent to the Bill going to a Select Committee, that this clause might be considered, and the Bill sent back to them in a proper state.

Mr. WHITESIDE said, this Bill came down to them from the House of Lords, from a Select Committee of very distinguished lawyers, and he thought it was therefore a very extraordinary thing for the hon. and learned Gentleman who had just addressed them to propose that it should be referred to a Select Committee of that House. What was the mischief which this Bill proposed to remedy? The Act of Victoria requiring the signature to be at the foot of the will, the question of validity of the will came to be decided not by a rule of law but one of space; and this Bill, therefore, provided that wherever the signature was placed, the will should be valid, if it was apparent on the face of the document that it was the intention of the person signing to attest it as his will. The next part of the Bill negatived every bad decision heretofore made condemning the wills of honest men; declaring that none of the objections which had prevailed heretofore should do so hereafter. But lest it should be contended that only the enumerated defects were remedied, the Bill went on to say that the enumeration of these circumstances should not affect the generality of the enactment. He contended that the clause was therefore sufficient to remedy the mischief complained of—first, because it provided where the signature should be placed; second, because it negatived every bad decision; and, lastly, that the particularity of the language employed should not impair the generality of the enactment. The Bill was not intended as a general statute on the subject of wills, but it would be a useful reform; and it expressed, not by a jumble or a labyrinth of words, but very clearly and distinctly, what it intended to accomplish; and he therefore hoped that it would receive the support of the House.

Mr. JOHN STUART said, that in the course of the present debate, it had been proposed to strike out all those words which had been placed in the Bill in the other House of Parliament, and to insert another clause. It was also admitted that the original clause was the work of a noble and learned Lord, the greatest lawyer now living; and was not only his production, but had also received the sanction of the whole House of Peers, comprising the eminent Judges who sat in that House. To hear it said, therefore, that what had thus passed the House of Lords, was a mere farrago of words, showed the debate had declined into something very far from the real debate on the clause. The principle of the clause was plain; it declared what should be a sufficient authentication of a will, and what was called a farrago of words was a plain and accurate description of what certain Judges had declared not to be an execution of a will under the existing law, and a declaration that in so doing they had proceeded on a misinterpretation of the existing law, or, at all events, of the intention of the Legislature. Could they proceed on a safer principle than to say that the existing law should remain in force, but with a distinct correction of the misinterpretations? He thought it was not reasonable to refer this Bill, which had passed the House of Lords, and had received the sanction of the Lord Chancellor and of all the law Lords who sat in the Upper House, to a Select Committee, seeing that no two of the lawyers who had criticised it had agreed with respect to the language in which another enactment ought be framed. Neither the Master of the Rolls nor the hon. and learned Member for the City of Oxford (Sir W. P. Wood) would adopt the Amendment before the House; and yet the latter had promised that if the Bill were referred to a Select Committee, it would be brought into a better shape in a couple of days. He believed that if that Committee were composed of the lawyers who had addressed the House that night, the only conclusion to which they could come would be, that some authority should decide between their different views, and that they would take as the best the authority of the House of

Lords, from which the measure had emanated. All were agreed that there ought to be an Act passed this Session. The object of the Bill was, that these objectionable decisions of the ecclesiastical courts should not continue the law of the land, and every body was agreed that these decisions ought not to be the law of the land. If, then, the Amendment were adopted, they would have, instead of a legislative enactment annulling those decisions, a new set of decisions, a new mode of construction, and something would be required ten years hence for the very purpose which his hon. and learned Friend the Member for Aylesbury asked the Committee to repudiate. A safer principle he never saw in any Bill. The late Solicitor General had shown so little of his usual accuracy that he had misapprehended the scope of the Bill. He seemed to think that this Bill repealed the law as to wills being signed at the foot or end; but was it not a safer thing to take the existing law passed in 1837, and, with ten years' experience, add this explanation, than to repeal the most important section by which the whole authority of that Act would be set at nought? He was not prepared so to deal with such a question. The same criticism might be made upon any enactment as had been pronounced upon this. The House would consider that the referring to a Select Committee was, in fact, only a mode of rejecting the Bill for the present Session. Instead of two or three days being occupied in discussion, if it went back to the House of Lords altered by a Select Committee, it would be referred to a Select Committee of the House of Lords, and would not pass this Session. The proposal to send it to a Select Committee was, therefore, a proposal to leave the law in the disgraceful state to which it had been brought by decisions contrary to the spirit of the Statute of 1837.

Mr. MULLINGS observed, that the reason why the words "signed at the foot of the will" were originally introduced, had been lost sight of. It was done to prevent fraud, for it was well known that by inserting dispositions on the second sheet after the will had been signed, great frauds had been committed on the families of testators. He knew a case where a person had lost a large fortune by a fraudulent insertion of a disposition contrary to the wishes of a testator on the second page. If, therefore, the Amendment of the hon. and learned Gentleman were adopted, those fraudulent practices could not be guarded against, and the law would be left open to all the difficulties that now existed.

The MASTER of the ROLLS said, his object in referring the Bill to a Select Committee was not to prevent its passing this year, but to obtain the assistance of some of the learned Judges and those most conversant with the practice of the Courts of Equity, to put the Bill in a proper form. He reminded the House that a Report of the Ecclesiastical Commissioners recommended the course with respect to wills which was now suggested. He would move that the Chairman report progress, with the view of having the Bill referred to a Select Committee; but if he should not succeed, he would not trouble the House further.

Mr. WALPOLE was understood to say he was sorry his right hon. Friend the Master of the Rolls should press his Amendment to a division, because the effect of sending the Bill to a Select Committee would be to send it to a Committee of lawyers, who would all differ on the subject. He thought they were more differing on the peculiar mode in which the Bill should be worded, than upon the effect it would have when brought into practical operation. The law relating to the execution of wills would remain as settled in the year 1837—namely, that the testator should sign in the presence of two witnesses, and those witnesses should sign in the presence of the testator, and in presence of each other. The effect of this Bill would not be to alter the law of wills with reference to their execution, but would simply say that the Judges were not to put that forced construction upon the Act of Parliament which had had the effect of leaving a vast number of wills unadministered. He hoped the Committee would pass the clause.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 64; Noes 121: Majority 57.

List of Ayes.

Anstey, T. C.
Arkwright, G.
Bass, M. T.
Bell, J.
Berkeley, C. L. G.
Bouverie, hon. E. P.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Carter, S.
Cavendish, W. G.
Clements, hon. C. S.
Cowan, C.
Crowder, R. B.

Dalrymple, J.
Douglass, Sir C. E.
Duncan, G.
Ellice, E.
Ewart, W.
Fox, W. J.
Greene, J.
Hall, Sir B.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Hindley, C.
Hutchins, E. J.
Jackson, W.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Langston, J. H.
Mackie, J.
Mangles, R. D.
Martin, J.
Melgund, Visct.
Milnes, R. M.
Moffatt, G.
Monsell, W.
Morris, D.
Muntz, G. F.
Murphy, F. S.
Norreys, Sir D. J.
Parker, J.
Pechell, Sir G. B.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Romilly, Sir J.
Scholefield, W.
Scully, F.
Seymour, Lord
Slaney, R. A.
Strutt, rt. hon. E.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tufnell, rt. hon. H.
Wakley, T.
Wilson, M.

TELLERS.
Wood, Sir W. P.
Bethell, R.

List of the Noes.

Adderley, C. B.
Archdall, Capt. M.
Bailey, C.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrow, W. H.
Benbow, J.
Bennet, P.
Beresford, rt. hon. W.
Blair, S.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Bridges, Sir B. W.
Brockman, E. D.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Butler, P. S.
Butt, I.
Cabbell, B. B.
Carew, W. H. P.
Chandos, Marq. of
Child, S.
Christopher, rt. hn. R. A.
Clive, H. B.
Cocks, T. S.
Collins, T.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Dawes, E.
Deedes, W.
Dod, J. W.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, Col.
Edwards, H.
Farnham, E. B.
Farrer, J.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, rt. hon. Col.
Forster, M.
Freestun, Col.
Freshfield, J. W.
Galway, Visct.
Gaskell, J. M.
Gilpin, Col.
Goddard, A. L.
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Hallewell, E. G.
Hamilton, G. A.
Hayes, Sir E.
Heard, J. I.
Henley, rt. hon. J. W.
Herbert, H. A.
Hildyard, R. C.
Hope, Sir J.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Knight, F. W.
Langton, W. G.
Lennox, Lord H. G.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
M'Taggart, Sir J.
Mahon, The O'Gorman
Mandeville, Visct.
Manners, Lord J.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Pakington, rt. hon. Sir J.
Portal, M.
Renton, J. C.
Repton, G. W. J.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Smollett, A.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, Lord
Stuart, H.
Stuart, J.
Sullivan, M.
Tennent, Sir J. E.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vivian, J. H.
Waddington, H. S.
Walpole, rt. hon. S. H.
West, F. R.
Whiteside, J.
York, hon. E. T.

TELLERS.
Mackenzie, W. F.
Bateson, T.

Clause *agreed to.*

Clause 2.

Mr. BETHELL moved an Amendment making the clause applicable to the wills of all persons departing this life after the passing of this Act.

The SOLICITOR GENERAL opposed the Amendment as unnecessary, the clause having already a prospective effect.

Sir WILLIAM PAGE WOOD objected to legislating on so important a subject in so hurried a manner. He feared the system of legislation upon which they were entering would lead to endless ligitation, and place the law in such a state as to be unintelligible to anybody.

Mr. NAPIER said, the Bill had been in the hands of hon. Members a long time; and as no lawyer except the hon. and learned Member for Aylesbury had offered an Amendment, which the House had negatived, he thought there was no reason why the Bill should be delayed. He considered the Act ought to apply to every will already made in cases in which vested rights had not been acquired.

The Amendment was then negatived without a division, and the clause *agreed to,* as were the remaining Clauses.

House resumed. Bill *reported* without Amendment.

BURGH HARBOURS (SCOTLAND) (No. 2) BILL.

Order for Committee read.

Mr. BOUVERIE said, that this was an enabling Bill—to enable certain burghs in Scotland to raise money for the purpose of improving their harbours. The Bill had been recommended by two Commissions, and had been revised and approved of both by the Board of Admiralty and the Board of Trade. It was considered of very great importance by these burghs, because at present they had no means of improving their harbours without the power of raising money on the security of rates which the Bill would enable them to levy. He was informed that unless some measure of this kind was passed during this Parliament, some of these harbours would become utterly unless during the ensuing winter.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. FORBES MACKENZIE said, he must oppose the Motion, upon the ground that it was not desirable that these small boroughs should have the power of levying rates on exports and imports.

MR. E. ELLICE said, he should support the Bill, and hoped the right hon. President of the Board of Trade would state the reasons of the Government for opposing the measure.

MR. HENLEY said, he was not satisfied that the Bill placed a proper check upon the taxing power proposed to be conferred by the Bill. Nothing could be done under the Bill before the summer of 1853, and therefore it was unnecessary to pass it in a hurried manner.

MR. PORTAL would suggest that at that late hour the Committee on the Bill should be postponed.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 64 ; Noes 106 : Majority 42.

Words *added* ;—Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

MAYNOOTH COLLEGE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [11th May], "That a Select Committee be appointed, to inquire into the system of Education carried on at the College of Maynooth :—[*Mr. Spooner* :] And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "this House will resolve itself into a Committee, for the purpose of considering of a Bill for repealing the Maynooth Endowment Act, and all other Acts for charging the Public Revenue in aid of ecclesiastical or religious purposes,"—[*Mr. Anstey,*]—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. FRESHFIELD moved that the debate on Maynooth College be adjourned till To-morrow, at twelve o'clock.

Motion made, and Question proposed, "That the Debate be adjourned till To-morrow at Twelve o'clock."

MR. WALPOLE said, he felt it his duty to oppose the Motion. It was now nearly two o'clock in the morning, and it was too much to ask the Speaker and hon. Members to come down again at twelve, and then sit till four or five, and expect the Government to go on with their business after that. It would be impossible for the Government to discharge its functions—it would be impossible for any Ministry to get through the business of the several departments of the Administration, if the Members of it were in this way to be obliged to sit from twelve o'clock in the day until two o'clock the next morning. He trusted the hon. Gentleman would not press the Motion.

MR. CHISHOLM ANSTEY had no doubt the hon. Member for Boston would accede to the proposition of the right hon. Gentleman. He had no doubt the proposition was made to invite the remarks of the right hon. Gentleman. ["Oh, oh!"] If the hon. Gentlemen who cried "Oh" had been present at eight o'clock on Tuesday, the difficulty would not have arisen. There would have been four hours to continue the discussion, and bring the question to a division. But it was known to every one that it was not intended to make a House at eight o'clock. He himself heard it stated. The hon. Member for North Warwickshire, in answer to a remark of that kind, said that he himself must be present. He meant the hon. Member who moved for the continuation (Mr. Newdegate), because his hon. Colleague was absent. And so with the hon. Member for Boston, who, having moved the adjournment, was entitled to precedence on resuming the debate. Every single Member of the Cabinet was absent; and with the exception of the hon. Member for the University of Dublin (Mr. Hamilton), every Gentleman in the remotest degree connected with the Government was also absent. The majority of those present were Members of the Opposition side of the House. The hon. Member for Peeblesshire (Mr. Mackenzie) was absent. Why did he mention those facts? In order to enable the Government to do something to facilitate the object of the hon. Member for North Warwickshire and the hon. Member for Boston, and to enable them to resume the discussion at an early day. As the difficulty had been created by the Government, whose duty it was to make a House at eight o'clock, they ought to give up a night for the discussion. They took care not to be present at eight o'clock, and other hon. Members took care that the debate should not be brought on on Wednesdays; and now, at two o'clock in the morning, they were called upon to enact this most idle farce. If the Government would not fix a day, the hon. Member for North Warwickshire, and those who acted with him, instead of making impossible Motions, ought to move that the Order be discharged.

Mr. FRESHFIELD said, the hon. Member was mistaken in supposing that he had a right to resume the debate at eight o'clock on Tuesday; for the noble Lord the Member for Middlesex (Lord R. Grosvenor) was not willing to postpone his Motion, and there were two other Motions on the paper afterwards. He was willing to make any arrangement, so that it should be understood he was willing to go on with the debate.

Mr. KEOGH did not complain of the proceedings of the hon. Member for North Warwickshire (Mr. Spooner). On the contrary, the hon. Member's proceedings met with his entire approbation. There was not a Roman Catholic Member who would not join with him in saying that the hon. Member was the most harmless antagonist they ever met with. He (Mr. Keogh) was not in favour of a twelve o'clock sitting this day, and he should like to know who was. What was the condition of the Government on this question? There sat the hon. Member for Peebles—he who had jumped through three hoops upon this question. There sat the hon. Member for Peebles, the whipper-in of the Treasury bench, and there sat the right hon. Gentleman the Chancellor of the Exchequer, who, with that tone of deep anxiety which had characterised his whole career, said he could not think of asking the Speaker to resume the chair earlier than eight o'clock, leaving the impression that the Government would make a House at that hour. But what was the fact? There was not a single Member of the Government present, except the Secretary for the Treasury (Mr. Hamilton), who did not profess to take the active part of the hon. Member for Peebles, the candidate for Liverpool. It only wanted the hon. Member for Peebles to make a House. Where were all the Members of the Government, who had been going from John o'Groat's to the Land's End, declaring hostility to the Maynooth Grant? They shirked the debate because they wanted to go to the Derby. All the Committees were allowed to sit on that day; and yet forty Members could not be found to discuss the all-important question of Maynooth. Having asked where were Her Majesty's Government, he would ask where was the National Club? A club within earshot of the House could only muster three Members, and Her Majesty's Government contributed one. But where was the Colleague of the hon. Member for North Warwickshire? He asked the country to put this question to each eager and earnest opponent of the grant—why were you not there at eight o'clock last Tuesday evening, and why did you come at two o'clock in the morning and ask the House to get you out of the scrape in which you find yourselves?

Mr. NEWDEGATE expressed his regret at having been taken by surprise by the hon. Member for Wells (Mr. Hayter), the whipper-in of the late Government. He certainly did not expect the Whig whipper-in would have taken such a course, when there were on the paper three Motions on that side of the House—one by the hon. Member for Lambeth, one by the noble Lord the Member for Middlesex, which he insisted on bringing forward, and one by the hon. Member for Finsbury. He was at the door six minutes after eight, and, to his surprise, heard that the Whig whipper-in had counted the House. The most persevering attempt had been made to bring the question to a division; and the hon. Member for Athlone, gifted with the acuteness which was the characteristic of his countrymen, could not so far humbug, or rather delude, the people of England, as to prevent their understanding the process which, as the leader of a certain section of Roman Catholics, the hon. Member was pursuing. He would ask the Government whether there was no day at twelve o'clock, or any other hour, at which the question could be brought to an issue? The advocates of the measure had endeavoured to do so, and would persevere; and although the hon. Member for Athlone might try to talk the question out of the House, he would see that its advocates were determined to let the people of England understand who were really favourable to an inquiry into Maynooth, and who were not.

The O'GORMAN MAHON said, that it was in that House first that he desired the subject to be discussed, for out of it discussed it would be. A grave and disastrous imputation had been indirectly cast upon the members of his Church, on account of the books that were said to be used as text-books at Maynooth. Now, he would boldly state that to all the imputations thrown out upon the loyalty, the truth, and the purity of the doctrines of the members of his Church, he would give a flat denial. If the documents which the hon. Member for North Warwickshire quoted from, had any existence at all, they were repudiated by the clergymen of his religion. He courted discussion on the subject; and he, therefore, called upon Her Majesty's Ministers to respond to the appeal made to them by the hon. Member for North Warwickshire (Mr. Newdegate).

Sir JOHN PAKINGTON thought it was a mere waste of time to continue this discussion. It could scarcely be expected, considering what the hour then was—a quarter past two o'clock—that the debate could be resumed at twelve that day. He would therefore suggest that the most convenient course would be to put a stop to this desultory conversation, and to endeavour, when the House assembled in the evening, to come to some arrangement with regard to the day on which the debate might be resumed.

Mr. HORSMAN said, the House ought now to be made acquainted with the opinion of Her Majesty's Ministers. It was clear they could not carry on this discussion without facilities from the Government, and the Government ought to say whether they were willing to afford these facilities. It was too much to say that the Irish Members wished to burke the discussion; for, after the speech of the hon. Member for North Warwickshire, it was impossible to go to a division without first having a full discussion of the subject. There had been as yet very little opportunity afforded for discussion; but the Irish Members were entitled to it, and the Government ought at once to say that they could not give them that opportunity, or that they would arrange for continuous morning sittings until the question was discussed.

Mr. EDWARDS considered it most desirable that the debate should be resumed as soon as possible, to enable the House to come to an early decision upon the question; and as he found that a strong feeling existed amongst Members around him that the Government should place no impediment in the way, and that another whole night should be given for the consideration of the subject, he would suggest that the debate be resumed at 5 o'clock this day. The hon. Member for Youghal had broadly asserted that the noble Lord the Member for Middlesex, and two hon. Members who had notices on the paper for Tuesday night, were willing to give way. He should wish to know upon what grounds the hon. Member made that assertion after the unequivocal declaration of the noble Lord that he would not consent to abandon his right to priority. He (Mr. Edwards) would not have taken notice of this had he not been censured as one of the absentees at the time the House should have been made. This was a question of such general interest throughout the country, and one in which a great portion of his own constituency felt so strongly, that he certainly would have been at his post at 8 o'clock on Tuesday evening, had he not believed that the discussions upon the other Motions on the paper would have occupied some hours. He would only add, that if instead of an investigation into the system of education pursued at Maynooth, the proposition had been one for the entire abrogation of the grant, he would have supported it with much greater satisfaction.

Mr. PORTAL said, an hon. Gentleman (Mr. Keogh) had taunted the hon. Member for North Warwickshire with insincerity, while he claimed for himself and those who acted with him a sincere desire to bring the question to an issue. Now, he (Mr. Portal) would put the hon. Gentleman's sincerity to the test by asking him whether he was inclined at once to go to a division? Both sides of this question had been amply and fully discussed; and, considering the period of the Session, and the extreme difficulty in finding a day for renewing the discussion, hon. Members opposite ought to give evidence of their sincerity by assuring the House that if another day were fixed they would not occupy unnecessary time, and would on the day so named bring the debate to a close.

Mr. F. SCULLY denied that hon. Members on his side of the House had had a fair opportunity afforded for discussion, for only two Roman Catholic Members had as yet spoken in this debate. Four hours occupied in a morning sitting would not be sufficient for the discussion of this question, and the Government were bound to afford not part of a morning, but a whole evening, for the renewal of the debate.

Mr. SPOONER said, the House might have come to a division long ago if it had not been for hon. Gentlemen opposite. As for the renewal of the discussion, if the right hon. Gentleman (Mr. Walpole) would tell him that the Government would give a day for that purpose, they (the Government) should have their own day and their own hour. But, if not, he would take the sense of the House now as to whether they should adjourn until twelve to-morrow.

Mr. WALPOLE called upon the hon. Gentleman to observe in what a position the Government were placed. He had given a day once in his hon. Friend's absence in the hope that this debate would be concluded then, or, if not in the morning, that it would, at least, be concluded at the evening sitting. Now the Government were asked to give another day, when they had themselves hardly a day to spare to get through the ordinary business of the Session, in order to facilitate a dissolution as soon as possible. The House would remember that they could have no day now until after the Whitsuntide recess, and then probably a similar objection to that made before would be urged again—namely, that it would be putting the debate off to a day which would be making a division futile. It had been said that this was a Motion brought forward by the sanction of the Government. Now, that was not so. The Motion was brought forward by his hon. Friend (Mr. Spooner) upon his own account alone; and he (Mr. Walpole) had felt it his duty, as a Member of the Government, to take a course independent of any which his hon. Friend might think it right to take. The Government had nothing to do with this Motion, except just as any other person in that House had a right to express his sentiments upon the question, and he protested therefore altogether against the idea that the Government were bound to give a day on the ground of its being a Government Motion. He wished very much the debate had been brought to a close on Tuesday evening; but he thought if a morning were appointed for a renewal of the discussion, there could be no doubt there would be another adjourned debate. If another day were given, he hoped it would be understood that the House would come to a division on that day.

After a few words from Mr. Scully,

Mr. H. HERBERT said, he had intended to move that the debate be adjourned till the 12th of August; but after what had fallen from the right hon. Gentleman (Mr. Walpole), he should withdraw his Motion, and vote with the Government in opposing the hon. Member for North Warwickshire, if the House came to a division. He was sincere in his desire to quash further proceedings in this matter; but he did not believe there were ten sincere men in that whole assembly at that moment who were not heartily sick of the question, and who did not wish they were out of it.

Mr. REYNOLDS said, the only sincere Member in the House was the hon. Member for Halifax (Mr. Edwards), who said that his constituents were deeply interested in it; and he was anxious to be able to tell them that he had voted for the inquiry into Maynooth. He congratulated hon. Gentlemen opposite on the dissolution of partnership between the hon. Member for North Warwickshire and the Government. To repeat the phrase of the right hon. Gentleman the Chancellor of the Exchequer, applied to the late Sir R. Peel's Government, the present position of affairs was nothing less than "a reorganised hypocrisy." The Irish Members did not want to divide—they wanted to speak, and they would put the opposite party on their trial, and convict them of rank and unadulterated bigotry and hypocrisy. If the Committee was granted to-morrow, they could not act, and he was then entitled to call it a rank unadulterated hypocrisy.

Mr. MILES regretted the tone and temper the debate had assumed. The Government was placed in a peculiar position. They wanted a day, and if the matter was postponed to the end of August, a day must be had. The Protestant feeling of the country required it. He proposed to postpone the debate till that day, and then let the Government be prepared to name a day. The question must not be blinked, and the country required that it should be fully and entirely discussed,

Mr. FRESHFIELD then withdrew his Motion for resuming the debate at Twelve.

Motion by leave *withdrawn:*—Debate *further adjourned* till *To-morrow.*

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, May 28, 1852.

MINUTES.] PUBLIC BILLS. — 1^a Representative Peers for Scotland Act Amendment; Public Works.

2^a Differential Dues.

Reported.—Apprehension of Deserters from Foreign Ships; Registration of Births, Deaths, and Marriages.

3^a London (City) Small Debts Extension; Property of Lunatics; Stamp Duties (Ireland); Master in Chancery Abolition; Improvement of the Jurisdiction of Equity; Turnpike Roads (Ireland).

ROYAL ASSENT. — Property Tax Continuance; Copyright Amendment; Linen, &c. Manufactures (Ireland); Poor Relief Act Continuance; Loan Societies; Repayment of Advances (Ireland) Acts Amendment; Ecclesiastical Jurisdiction; Stock in Trade; Highway Rates.

CASE OF MR. MATHER.

LORD STANLEY of ALDERLEY inquired whether the Correspondence which appeared in a morning paper of that day, between Mr. Addington and Mr. Mather, the father, respecting the compensation awarded to Mr. Mather, the son, by the Tuscan Government, was authentic; and, if authentic, whether there would be any objection to lay it on the table of the House?

The EARL of MALMESBURY: In answering the question just put to me by the noble Lord, I have to state that in reading the *Times* newspaper of this morning, I observed an omission which does not occur in any other of the four public morning papers which enjoy the greatest circulation. Not one single syllable of what I then stated in explanation of the case of Mr. Mather, appeared either in that part of that journal which is devoted to the report of the proceedings in Parliament, or in that part of it which contains the summary usually made of the debates of this House. But on the other side of the paper I observed that there is a correspondence purporting to have passed between Mr. Mather and Mr. Addington; a copy of a letter which I directed to be written to Mr. Mather, sen., from the Foreign Office, and a copy of a letter in answer to it written by Mr. Mather, the father, and apparently addressed to me. The first letter, which I ordered Mr. Addington to write to Mr. Mather, the father, when Mr. Scarlett, our *Chargé d'Affaires* at Florence, informed me of the compensation awarded by the Tuscan Government to his son, is perfectly authentic. It is exactly the same as the letter which I ordered to be sent to Mr. Mather, the father. But as to the reply of Mr. Mather, alleged to have been sent to me, I cannot say whether it is authentic or not; for, up to this time, no such letter has reached me, either at the Foreign Office, or at my own house. Your Lordships will see that it is not desirable that I should say more on this subject at the present moment; except that as the case is now concluded, I am ready to lay all the correspondence regarding it on the table of the House; and it will be then for your Lordships to judge whether Her Majesty's Ministers have acted in this business as became them.

EARL FITZWILLIAM: There appears to be some discrepancy between the letter of Mr. Addington, as it appears in the *Times*, and the explanation given by the noble Earl—no doubt unintentional. As I understood the noble Earl yesterday, he said that the compensation given to Mr. Mather, the son, was equal to the remuneration which he would have obtained for such an outrage in an English court of justice. That, I think, was the purport of the noble Earl's statement. Now, the letter of Mr. Addington, to which reference has been made, does not bear out the view which the noble Earl has taken of the matter. I think that the noble Earl will have no difficulty in explaining the difference. As the letter of Mr. Addington is now admitted to be an authentic document, I will read a paragraph in that letter bearing on this point:—

> "Although Her Majesty's Government do not consider that this sum is equivalent to the injury which Mr. Mather suffered, or to that which an English Court would have awarded him as damages for his sufferings, and although it is less than Mr. Scarlett was instructed to demand, Her Majesty's Government have reason to believe that Mr. Scarlett acted to the best of his judgment in thus concluding the controversy. There is no doubt that the anxiety he has gone through in consequence of this and other disputes with the Tuscan Government, has brought upon him a most dangerous illness."

Here is a little difference between the statement of the noble Earl and the statement in this letter; but I doubt not that the noble Earl will be able to reconcile it. In fact, the discrepancy is not great, though, at first sight, there does appear to be a discrepancy.

The EARL of MALMESBURY: My Lords, I am not surprised at the view which the noble Earl has taken of this subject, for he has clearly misunderstood what I stated last night. I said that Mr.

Scarlett, acting to the best of his discretion and judgment, had agreed to receive, on behalf of Mr. Mather, the amount of compensation offered—a sum equivalent to that which he conceived that Mr. Mather would receive for a similar injury from an English court of justice. I do not—I avow it on the part of Her Majesty's Government—think that sum was sufficient; but Mr. Scarlett thought otherwise, probably taking into account the difference in the value of the money there and in this country; for 240*l.* in Tuscany is a larger sum than 240*l.* in England. He, no doubt, acted from the best of his judgment, and took what he thought would be the damages awarded by a jury for a like injury in England. It is also fair to say that Mr. Scarlett at the same time obtained another boon from the Tuscan Government, which he thought he ought not to throw away his opportunity of obtaining. The Government of the Grand Duke stated to him, that if he and Mr. Mather were satisfied to receive the sum offered, which, I must say, is smaller than that which I instructed him to demand or to receive, the Government of the Grand Duke would consent to set at liberty two English gentlemen, who were then, and had been for some time, in prison in Florence for political offences. Mr. Scarlett, therefore, acting on his own judgment—perhaps not logically, but, at the same time, I cannot say unwisely—accepted that offer at once, and had these gentlemen conveyed on board one of Her Majesty's ships. I think it right, being at this distance from Mr. Scarlett, to say, I am informed he was dangerously ill, and at one time on the point of death, so that he was unable to do more than write a mere statement of the facts. I think it but right and fair to say that there is good ground for believing that, though Her Majesty's Government considered the amount of compensation awarded was not equivalent to the injury inflicted, nor exactly conformable to the instructions he had received, Mr. Scarlett had yet acted to the best of his ability in the matter, and made the best arrangement he could under the circumstances.

LORD STANLEY of ALDERLEY: I wish to know whether the noble Earl has received information whether Mr. Mather, the father, thought the pecuniary compensation which the noble Earl demanded for the injury inflicted on Mr. Mather, the son, satisfactory, or whether they considered that such kind of compensation would be adequate, even though the amount proposed were much larger? An injury has been inflicted on Mr. Mather, the son, and an insult on his country, for which we are entitled to receive reparation. The conduct of the Tuscan Government with respect to the other gentlemen, can in no manner affect the case of Mr. Mather, upon whom a gross insult and grievous injury has been inflicted. Mr. Mather was entitled to demand redress, which redress had been most inadequately afforded.

The EARL of MALMESBURY: When I lay the papers on the table of the House, the noble Lord will find all that I have done both in the case of Mr. Mather and in that of the Messrs. Stratford.

LORD CAMPBELL: Being nearly connected with Mr. Scarlett, I may be excused for stating that I am confident he will be able to show that on this occasion, as on every occasion since he has been the representative of the English Government at Florence, he has conducted himself not only with honour, but with prudence and skill. Although only Secretary of Legation, it has happened that for the last seven years he has been the English Minister at the Court of Florence, and engaged in transactions of the most arduous description; and has acquitted himself, I am enabled to say, to the entire satisfaction of three successive Secretaries of State for Foreign Affairs. Lord Palmerston, again and again, has intimated his high satisfaction at the manner in which Mr. Scarlett has discharged his duty. My noble Friend who succeeded Lord Palmerston (Earl Granville) has reiterated that praise; and since the noble Earl opposite has been in office, he has repeated his satisfaction at the manner in which Mr. Scarlett has performed his duty. I have no doubt that on this occasion Mr. Scarlett will be found to have entitled himself to the thanks of his country.

The EARL of MALMESBURY: Mr. Scarlett, since I have been in office, has shown the greatest zeal and activity in discharging his duty at Florence—a very difficult one to perform. When I say he has in this case deviated from his instructions, and acted upon his own judgment, I am not prepared to say that, on further investigation, he will not be found to have done the best.

The EARL of ABERDEEN: Having appointed Mr. Scarlett to the situation which he holds, and having had some experience of his capacity, I most readily bear testimony to the accuracy of the statement of the noble Earl respecting him.

SANITARY CONFERENCE—LAW OF QUARANTINE.

The EARL of ST. GERMANS rose, in pursuance of his notice, to move an Address, praying that Her Majesty would be graciously pleased to order that there be laid on the table of the House translated copies or translated extracts of the Minutes of the Proceedings of the International Sanitary Conference, held at Paris, 1851-52. The question, in reference to which he moved for this information, was of such importance that he should make no apology for calling to it the attention of their Lordships, and he was only sorry that the noble Earl the Chief Commissioner of the Board of Health (the Earl of Shaftesbury), had not himself undertaken the task of bringing it before their Lordships. Without going into any historical disquisition on the subject of the quarantine laws, he might observe that Venice was the first State which instituted them about the end of the thirteenth century, and that her example was followed shortly afterwards by other States bordering on the Mediterranean: it was not, however, till the year 1720 that any regulations for establishing quarantine were introduced into this country. The existing regulations were embodied in the 6 *Geo.* IV., c. 78, and in various orders of the Privy Council, subsequently issued under the authority of that statute. The quarantine laws were based upon two principles, the truth of which remained undisputed till very recently. The first principle was, that the epidemic diseases which at various times had desolated the world were communicable by contact with persons affected, or by contact with things touched by persons affected. On this first principle he believed that a great modification of opinion had of late years taken place, and that the majority of medical and scientific men were now convinced that these contagious diseases, as they were called, were not communicable by contact, but were produced by local and atmospheric causes, and that these diseases could only be prevented from spreading by sanitary measures, and not by quarantine regulations. The other principle was, that the spread of those epidemics could be prevented by the prevention of the contact to which he had alluded, and that was the question for Parliament to consider. That was a principle on which much light had been thrown by the information contained in the different Reports of the Board of Health, and it was to that information he was anxious to call the consideration of the House. Heretofore all the information on the subject of quarantine had been derived from interested sources, namely, the officers of the different quarantine establishments. He imputed no dishonesty to those officers, nor any wilful desire to pervert facts; but human nature was such that personal interest would bias men's minds, and lead honest men to see facts through a distorted medium. We now had an impartial and disinterested tribunal in the Board of Health; that tribunal devoted much labour and anxious attention to the subject, and had come to the conclusion that it was to sanitary measures alone that we ought to look for the prevention of epidemic disorders. It was impossible to read the reports without being struck with the array of facts and evidence in favour of the conclusion at which they had arrived, and with the numerous and weighty authorities brought forward in corroboration of it. He did not intend to fatigue their Lordships with any quotations from those reports, but he must advert to two important facts recorded in them. The first was, the unanimous judgment of the Academy of Medicine in Paris, as to the fallacy of the opinions regarding the contagious nature of those epidemics, and as to the impossibility of preventing them except by the adoption of sanitary measures. The second was, that the College of Physicians at New Orleans had decisively established the good effects of such measures, for they showed that a century ago the yellow fever extended to twelve degrees of latitude further north than it did at present, and that its retrogression was to be attributed to sanitary measures and atmospheric changes. The first of these two reports of the Board of Health related to cholera, and was made in 1849, and the latter to the yellow fever, and was made in the present year. The first of these reports had attracted more attention in foreign countries than it had in our own. It had been translated into several foreign languages, and had been extensively circulated on the Continent. Subsequently to this publication, the eyes of the French Government were opened to the uselessness of many of the precautions they had theretofore enforced, and they had modified the quarantine laws as to France, and had abolished them so far as regarded the communications between France and Algeria. The French Government thought that it would be a desirable thing that foreign countries interested in the question should assemble by delegates at Paris, and should endeavour to modify upon system their quarantine restrictions. In the month of July last a conference took place at Paris, which was attended by delegates—scientific and medical men —appointed by twelve different States. Those twelve States were Austria, the Two Sicilies, Spain, Rome, France, England, Greece, Portugal, Russia, Sardinia, Tuscany, and Turkey. He believed that that conference unanimously recommended a considerable modification in the quarantine system; but he had reason to believe that nearly all, if not all, of those States, were prepared to carry their recommendations still further than they had done, if public opinion were ripe for the change. They recommended certain propositions to public attention, and, with the object of giving them greater notoriety, he now asked their Lordships to grant him the additional information referred to in his Motion. He must also ask his noble Friend the Secretary of State for Foreign Affairs, whether any step had been taken by our Government to give effect to the recommendations of this Conference? Those recommendations were a great step taken in advance; and, as he thought that it would be the duty of Parliament to take this question into its consideration within a short time, all the information calculated to enlighten the mind of the public or of Parliament upon it ought to be instantly produced. Whatever might be the opinion of different individuals upon the question, no one could doubt that the intensity of these contagious diseases was greatly aggravated by bad air and vitiated atmosphere; and, on the contrary, was much mitigated by good air and healthy atmosphere. Now, by the present system of quarantine, you confined within a limited space diseased or suspected persons, under circumstances which peculiarly disposed them to receive infection. This was the case in all countries, but more particularly in our own. In the Mediterranean there were lazarettoes, with comparatively airy and commodious buildings in which some classification of persons might be obtained, and there was accommodation within their walls where cargoes could be stored. In England, however, there were no lazarettoes—no buildings for the accommodation of persons or goods coming from infected or suspected places. Vessels with their crews and cargoes were ordered to pass their quarantine in certain stations, where they were moored at a distance of several miles from the shore. By confining the parties within the confined space of a ship, they only led to the aggravation of the evil which they sought to check. Take, for instance, the case of that unfortunate vessel, the *Eclair*—he was sure that her sad story must still be fresh in the memory of their Lordships. The *Eclair*, a steam sloop of war, arrived at Portsmouth from the coast of Africa, having lost on the station and on her passage home half her crew, including her gallant commander, Captain Estcourt. She reached Portsmouth, however, and the principal medical officer at that port, Sir John Richardson, was eager to have the crew landed at once, and carried to an airy and well-ventilated ward of Haslar Hospital. His advice was unfortunately overruled, and the vessel was ordered to perform quarantine in the usual manner. The superintendent of quarantine would not allow her even to lie at the Motherbank, for fear of her doing injury to the ships in the neighbourhood, but insisted on her going with a pilot to Stangate Creek, which was said to be the most unhealthy station on the whole coast of Kent, and a pilot was sent to take her round. She was there kept ten days in quarantine. Several deaths took place in that interval, and among them that of the unfortunate pilot. At last, the Admiralty, on hearing of the mortality, interposed, and stated that if the vessel remained longer in quarantine there were no means or chance of saving the survivors of the crew. In consequence of the representations thus made to the Privy Council, the crew were landed; two of them subsequently died; but he had not heard that any contagion spread into the locality where they came on shore. Now, if that unfortunate ship had been a merchant vessel instead of a ship of war, she would not have been allowed to remove from quarantine, and, in all probability, her crew would have all died. Let this be contrasted with the case of the *Arethusa*. She arrived at Plymouth two months ago with the smallpox on board. Now, there were doubts as to the contagious nature of the yellow fever, but there were none as to the contagious nature of smallpox. The crew were, nevertheless, instantly landed and placed in hospital at Plymouth, but he had not heard that any contagion had spread into the neighbourhood. The interests of humanity were the first, but they were not the only consideration in this case. He would ask their Lordships to consider how the interests of commerce were affected by this question. He was informed that if a vessel were kept performing quarantine for twenty or thirty days, the loss caused by such detention would be equal to the whole expenses of the voyage. The depreciation in the value of cotton goods would be 15 per cent, while, if the cargo consisted of perishable goods, fruit, and the like, it was frequently totally lost. But were the quarantine regulations enforced? The fact was, the want of accommodation was such, that it appeared, from the evidence of the parties concerned, that at English quarantine stations, the cotton goods, which were supposed to be peculiarly capable of conveying the seeds of contagion, were very partially opened to the air, and that in the Irish stations they were not opened at all. Such was the case with regard to goods; nor were the regulations more effectually enforced with regard to persons. It was perfectly well known that to avoid the risk of undergoing quarantine, false returns were frequently made by the captains of vessels, and cases of death which had occurred during the voyage were attributed to causes very different from the real ones. He contended, therefore, that the quarantine regulations were both oppressive and inoperative; that they were extremely injurious to the interests of the community and of commerce; and were at the same time perfectly inefficacious. He could not read the reports to which he had already alluded without being struck by the facts and arguments which they contained. He thought that this subject should engage the attention of Her Majesty's Government and of Parliament at a very early period; and that it was, therefore, important that all the information bearing on it should be laid before their Lordships and the public, in order that they might be able to form a correct judgment upon the evil with which they had to deal. He would conclude by putting a question to his noble Friend the First Commissioner of the Board of Health. The first report which that Board made was on the cholera; the second on yellow fever; their third report was, he understood, to be on the plague. Might he ask his noble Friend when it would be ready for presentation?

The EARL of SHAFTESBURY said, that the Report to which his noble Friend had referred was in preparation, and would, he hoped, soon be ready for presentation. He rejoiced exceedingly that his noble Friend had taken up this question, and assured him that he would be amply rewarded for his exertions by the public benefits which would accrue from them. It was quite surprising to see the amount of prejudice which had been overcome by this Conference, the harmony with which the representatives of the various countries had met and discussed this difficult question, and the unanimity which they had displayed with respect to the evils of the present system, and the remedies which should be applied to it. It was most gratifying to peruse the conclusion to which they had unanimously arrived. He thought that we were very much indebted to the French Government for taking the initiative in this matter. The conference was proposed by them; they offered a place for its meeting; and it was to their energy and enterprise that we were indebted for its having been carried through. They had not, indeed, attained all that was desirable, but a great deal had been done to remove the intolerable shackles which the quarantine system imposed upon commerce and social intercourse along the shores of the Mediterranean. There was a very great anxiety in this country as to the result of this conference. Was this surprising? For none but those who had practical experience on the subject, particularly commercial men, knew what a burden upon commerce these restrictions were, and what tremendous losses they entailed upon persons trading to the Mediterranean. The French Government had shown that the amount of loss entailed upon the Mediterranean trade by the quarantine established against the plague alone, at a time when there was no plague raging in any country upon or near the Mediterranean, was 100,000,000 of francs per annum. The practical inconvenience which it occasioned to travellers and merchants could only be known to those who had experienced them. He would now state to their Lordships the propositions in which the conference had resulted, and which only waited for confirmation, having already received the signatures of the greatest part of the deputies. They proposed, first, that there should be an equalisation of quarantine in every country, and in every port. This was a point of great importance, for at present the periods of quarantine in different countries and ports varied from three to forty days. They also proposed the reduction of the period of quarantine; the total abolition of suspected bills of health; the issuing of foul bills of health by competent and responsible authority only; the immediate admission of clean bills of health to free pratique in every port; the restriction of quarantine to three diseases only; the total abolition of the former distinction (a distinction that filled volumes) between susceptible and non-susceptible articles; and the reduction of articles to three classes. For "yellow fever" three to seven days, if no cases have occurred on board during the passage; but if cases have occurred, the quarantine is to be from seven to fifteen days. For cholera, the period is to be five days, including the voyage. It is of importance to observe that these proposed quarantines are only operative when diseases actually exist in the countries from which the vessels have sailed. Five-tenths of the quarantines are thus virtually swept away at one blow, while the periods under foul bills, as now proposed, are, on an average, very much shorter. The House would thus see from what great burdens and restrictions commerce and social intercourse would be relieved. He was very happy to say that the conference took as its guide in these matters the principles laid down in reports of the Board of Health —that effective preventive measures were not to be sought for in a *cordon sanitaire*, or in the suspension of commercial or even of personal intercourse, but that the only means of prevention which would be found to be effectual were the adoption of proper care with respect to the sanitary condition of seaports, to the ventilation of ships, and to the medical treatment and sanitary care of the crews. They advised that such measures should be carefully instituted by all countries which had ports on the Mediterranean, or had trading operations with such ports. He (the Earl of Shaftesbury) believed that these recommendations were founded upon sound principles, and that we should by their adoption more effectually put down these various disorders, or prevent their extension, than by any known system of a forty days' quarantine, a *cordon sanitaire*, or any similar measures which were now in operation. He would suggest to his noble Friend to move for a Minute of the Board of Health in February, 1852, on the Sanitary Conference, in conjunction with the other papers to which he had referred. He trusted that the Government would accede to the production of these papers, which would, he believed, throw much light on this subject, which was so interesting in a commercial and a social point of view.

The EARL of MALMESBURY did not think that either of the noble Lords who had addressed the House had sufficiently impressed their Lordships with the great difficulties which stood in the way of any Government arranging with all the States of Europe a measure for amending the laws of quarantine, although he admitted the great necessity which existed for such a measure. Unless, however, such a measure met with the general consent of all the States, it would fall short in effecting any real improvement. With respect to the Motion of the noble Earl, he could only say that Her Majesty's Government had no objection to give the papers asked for; but he must remind the noble Earl that at this very moment the important object which the noble Earl wished to accomplish, namely, the amendment of the laws of quarantine, was proceeding so far favourably that a convention had been commenced between France and this country, and some other Powers of Europe, although the precise terms had not yet been agreed upon. It was unusual to present to Parliament papers relating to a convention of this nature until it had assumed a more solid appearance; but that was no reason why the noble Earl should be refused the information he desired. He thought, however, his noble Friend who had spoken last, had perhaps taken a more sanguine view of the result of this proceeding than would follow from its consummation. The noble Earl, in speaking of the losses suffered by French commerce in consequence of these regulations, had stated them to be 100,000,000 francs annually; but he (the Earl of Malmesbury) believed the gentleman who made the computation spread the loss over a certain number of years, and did not confine it to a single year. There were many difficulties in the way of bringing this matter to a satisfactory conclusion. There was, he feared, a strong prejudice existing among the Italian States against improvement in this matter; and he (the Earl of Malmesbury) thought very great difficulty would be experienced in bringing those States into the convention. Owing to difficulties of a technical character, he was afraid that not so many Powers as could be desired, would be found to sign the convention. He had no doubt that it would eventually be agreed upon as between England and France; but their Lordships would deceive themselves if, taking the liberal view which was peculiar to that inhabitants of that country, they entertained hopes that the same feeling would be manifested by other countries. He left it entirely to the discretion of his noble Friend to say whether he would have these papers or not. He was quite willing to give them; but, of course, he was not prepared to submit the convention as now drawn up.

The EARL of ST. GERMANS would not press for papers which it would be injudicious to produce, and readily left it to his noble Friend to supply any that he could give with propriety.

The EARL of MALMESBURY said, if the noble Earl would leave it to him, he would give such extracts as he thought, under the circumstances, should now be submitted.

Motion, with the addition of the Minute suggested by the Earl of SHAFTESBURY, *agreed to.*

THE LATE BARONESS VON BECK.

LORD BEAUMONT presented a petition from Constant Derra de Meroda, of No. 21, Ryder's Court, Leicester Square, in the County of Middlesex, Gentleman, complaining of the Conduct of James James, Esquire, One of Her Majesty's Justices of the Peace for the Borough of Birmingham, in having unjustly granted a Warrant for the Arrest of the Baroness Von Beck and himself in August last, and of Messrs. Lucy, Mayor, H. Smith, Martineau, and Welch, Justices, before whom the Petitioner appeared, in having allowed the Papers of the Baroness to be handed over to Mr. Toulmin Smith, her Prosecutor, by which Means Inquiries towards the Establishment of her Character have been partially frustrated, and praying for Inquiry into the Circumstances of his Case, with a view to granting him Redress, and preventing such harsh Exercise of Magisterial Authority for the future. The noble Lord said the circumstances under which the petition was offered justified him in calling their Lordships' attention to it, as they involved an important question with regard to the manner of administering justice in this country. The petitioner was a native of Pesth, and came to this country in April, 1851. A short time after he arrived, he became acquainted with a lady who bore the title of the Baroness von Beck, and who, under that name, had become known in this country as the author of a *History of the War in Hungary.* That work was very successful, and the publisher had prevailed upon her to undertake another work. She was occupied in that work, which was to have been entitled *Personal Adventures during the Recent War in Hungary;* and she engaged the petitioner, who was of a good family in Hungary, though in needy circumstances, as her secretary. The publisher, Mr. Gilpin, drew up a prospectus of the work, and gave the petitioner and Baroness von Beck letters to his friends in Birmingham and other places. The prospectus set forth the true character of the book, and promised nothing but what was certainly the intention of the writer to fulfil. It was also understood that the authoress and her secretary were to make a tour and procure subscribers to the work. They arrived at Birmingham and presented the letters. Amongst the rest was one to a gentleman of the name of Tindal. The Baroness and her secretary at first lodged at the Clarendon Hotel; but after a short time the lady became very ill, and her medical adviser recommended that she should have a change of air. Mr. Tindal invited her to his country house in the neighbourhood, and she accepted the invitation. She was residing there; and on the 29th August, while she was one of a party in the drawing-room of Mr. Tindal, she was called out of the room and apprehended by a police officer, and her secretary was called out and apprehended also on the charge of obtaining 1*l.* 4*s.* (the amount of the subscription of the forthcoming work) on false pretences from one Mr. George Dawson. They were apprehended on a warrant, but it was not produced or read to them; nor if it had been, could they have understood it. They were taken to the police station and locked up in separate cells all night, the lady being all that time in the evening dress which she was wearing at the time of her apprehension. In the morning the lady, who had suffered much from weak health, and from excitement, was taken dangerously ill, but the police officer dragged her upstairs in order to bring her before the magistrate. She was obliged to be assisted on her way to the court-house, and when she arrived in the antechamber she suddenly expired. The remaining prisoner was then taken before the magistrate. Mr. Toulmin Smith appeared for the prosecution, and he complained that these parties had got money under false pretences; that the lady styling herself the Baroness von Beck was not the Baroness von Beck, but that she was a spy employed by the Hungarian, or rather the Austrian, Government at the time of the Hungarian war, and that she had obtained money as the Baroness von Beck from Mr. George Dawson. The magistrates, having heard the case, discharged the prisoner; but it seemed that application was made for the papers of this woman, and that they were first impounded, and afterwards handed over to the prosecutor, and he believed were still in his hands. Since then a careful investigation had been gone into with regard to this lady; and he (Lord Beaumont) had now in his possession the depositions of twenty or thirty persons concconnected with Hungary, from which it seemed that this woman was really what she represented herself to be, and that although she might not be entitled to the honorary dignity of Baroness von Beck, she had been known under that name (and no doubt also under that of Racedula) in various places during the war in that country, and that she was, as she represented herself, acquainted with Kossuth and others. That, however, was not a point on which he wished to dwell. It mattered little whether her real name was Baroness von Beck or Racedula; she was known as both, and had published under the former. It might be an assumed name as "Boz," or "Little." It was her name as an authoress. He wished to call their Lordships' attention to the point whether the magistrate was justified in issuing a warrant for her apprehension. Now this, at most, was only a case of misdemeanour, and he believed that in such cases it was the invariable practice to issue a summons instead of a warrant, except in cases where there was any fear that the person would go away and evade justice. Now there could be no fear that these persons would abscond, for they were actually staying at the house of Mr. Tindal; and this said Mr. Tindal (with shame be it remembered) was privy and a party to the proceeding against them. He thought, therefore, that, if anything was required, Mr. James, the magistrate in question, should have issued a summons, and not a warrant. But he contended that there was no ground for any criminal proceedings whatever. The warrant stated that Wilhemina von Beck and Constant Derra de Meroda had obtained the sum of 24*s*., the money of George Dawson, under false pretences, and with intent to defraud him. He (Lord Beaumont) contended that there was no false pretence in the case. This lady had undoubtedly published a book, and, as the prospectus stated, was about to publish another, to be entitled *Personal Adventures during the Recent War in Hungary*, and, in due course, Mr. Dawson would have received the book in return for his money. There was therefore no false pretence. Well, this was the history of the case; and what was the defence set up on the other side? Why, that, in the former book, written by the Baroness von Beck, there was something against the character of M. Pulszky. But was that a sufficient reason? If M. Pulszky was libelled, he could have proceeded by action or criminal information. The whole affair, from first to last, appeared to him to be so monstrous that he scarcely knew whether to condemn most the friends of M. Pulszky, who gave their authority to commence proceedings; or Mr. Toulmin Smith, for the manner in which he fulfilled the duty imposed on him; or the magistrate, Mr. James, who issued the warrant; or the police officer who executed it in the barbarous way which he had related. He thought the whole of the parties were to blame, and he hoped some means might be taken to let them know they were to blame. He should wish himself that something in the nature of a little further investigation should take place; but he did not at the present moment propose it, because there was an action against the parties for false imprisonment, and he hoped that would do justice to the case. His reason for bringing it before their Lordships was this, that if provincial magistrates were so ignorant of their duty, it was high time measures should be taken to restrain them. It was most dangerous that large discretionary powers should remain in the hands of men so ill qualified to exercise them. And if the course which had been pursued in this instance was usual, it was imperative on the Legislature to interpose, and, by Act of Parliament, limit and define the powers of magistrates in issuing warrants. The petitioner had taken legal proceedings against the parties, which were now pending; and into his case he (Lord Beaumont) did not propose further to enter than by stating that the petitioner set forth the proceedings at full length: the information on oath; the warrant; the depositions taken on the hearing; and the decision of the justices. The petition concluded by representing that the proceedings had been harsh, cruel, and unjustifiable by law, and prayed that an inquiry might be made into the circumstances, and into the conduct of the justices, especially as to their right to hand over the papers of the deceased lady to the prosecutors, after she was dead, and the petitioner had been acquitted. The letters and other documents thus given up to the prosecutor were not forthcoming. They were probably destroyed, and thus all evidence, which would have established her character, was suppressed. The petition particularly prayed that precautions might be taken to prevent other unprotected foreigners from being exposed to similar arbitrary arrests; and against the discretionary issue of warrants, or, at all events, against their being executed in such a manner as in the present instance—at the dead of night—even in the case of a lady in ill health, and deprived of all power of defending herself from the accusations brought against her, for the purpose of gratifying the malice of her enemies by obtaining her temporary arrest.

The MARQUESS of SALISBURY said, the matter had been brought before him some weeks ago, and then, as now, he thought it a very lame story. The noble Baron had not stated the depositions on which the warrant had been issued, and on which everything depended so far as the magistrate was concerned, who might have acted quite properly, perceiving that the party making the information on oath had sworn positively to the charge of false pretences—in which supposition the proceeding, at least on the part of the magistrate, would have been regular and proper. He could not say how far this was or was not so; but as the matter at present stood, their Lordships hardly had materials for pronouncing any censure upon the magistrate, whatever might be the case as to other parties, and as to them an action was now pending; so that he submitted it would be improper for their Lordships to enter into the inquiry until the action was decided, the result of which would, he doubted not, be to show that in any case in which a wrong had been perpetrated, the law of this country was adequate to give ample reparation to the injured party.

The EARL of ABERDEEN said, he really was astonished to hear the language of the noble Marquess the Lord Privy Seal, who called this "a lame story." A lame story! Why, he had never heard one more completely established, or more painful in its character. It was hardly credible that such a case should have occurred in this country. On a late occasion a noble Lord had observed of some case that it was only in Madagascar it could be conceived to have occurred; but the case before their Lordships seemed of such a character as could scarcely be credited of any country, however cruel or uncivilised. What were the facts so far as they were undenied, and related not to the petitioner, but to the deceased lady? That a female, a foreigner, in bad health, was arrested in a barbarous manner at night, and dragged to a prison on a charge of obtaining money under false pretences—a charge which turned out to be totally false, for the magistrates entirely acquitted her companion of the same charge. What false pretences could there have been? The lady had represented that she proposed to write a work. Well, she had written one already, and was no doubt about to write another, and the money was received as subscriptions for it, and the subscribers would have received the book when published—what false pretence was there in this representation? How could any person who had subscribed his money upon this representation, pretend that he had been defrauded of it under false pretences? As to the lady's title of baroness—if their Lordships were to decide whether all the barons or baronesses were entitled to bear such rank, many persons might have to relinquish them. But really this had nothing whatever to do with the question. Here was a poor lady in ill health, dragged out of the house at the dead of night, on such a false accusation as this, locked up in a prison all night, and then dragged before a police court—until, under excitement, she sank down dead! Surely no person of any human feeling could hear these plain facts without sensations of horror. It was shocking to see that such things as these could happen in a country such as this—which boasted its equal justice and its fair laws. And then, when the person who had gone down to prosecute this poor helpless woman—the real reason being some offence given to certain of her countrymen in her former publication—when this lawyer who prosecuted made the demand, the magistrates—while her corpse was lying before them—made an order for delivery of the papers to the prosecutors—to obtain which was possibly the main motive of the prosecution. It was a very good thing that such a monstrous case should have been brought forward to be stigmatised as it deserved; and he hoped an inquiry would be instituted into the conduct of the magistrates who had acted or allowed others to act with such illegality and inhumanity.

The LORD CHANCELLOR regretted that so mistaken a course should have been pursued in this case. If the facts were fairly stated by the noble Lord who had laid them before their Lordships, there could not be a doubt that, representation made, the noble and learned Lord who at that time filled his office, would have granted a *supersedeas*. Had the case been brought, as it ought to have been, before that tribunal, justice would have been done to this magistrate; he would have been heard in his defence, but he would also have been held to give a strict account of his conduct. It seemed too plain that those who interested themselves in seeing justice done, had lost time; during all the time that had elapsed since the events related, the proper tribunal had not been addressed. He had not himself been aware of the facts of the case until he heard them stated that night; no communication ever was made to him on the subject. This was to be lamented; for, in common with all who had heard of the case, he had been very much shocked at it. He could not conceive it was true, it was so shocking. The question was, how far the proceedings were culpable. He thought, however, that the noble Lord who had presented the petition, had hardly taken the most judicious course; for he had impeached all parties concerned—the counsel, the magistrate, the officers, the prosecutors, while an action was actually pending on the part of the petitioner. Their Lordships could not at present proceed with the inquiry prayed for. On the face of the matter, undoubtedly, there had been unjustifiable proceedings. Even if the poor lady had in some way acted improperly, it was impossible to vindicate the course which had been adopted. The practical question was, who was the party responsible and culpable? Probably, not the magistrate, who perhaps acted on information given on oath—some person swearing positively to the lady's guilt. Unquestionably a magistrate ought not to grant a warrant without great consideration, and the magistrate ought to take care not to be imposed upon; especially ought he to be cautious how he allowed a warrant to be executed at night, as in this instance, in which (though the magistrate might not be responsible for the manner of executing the warrant) the poor lady had been dragged from the very hearthstone of a friend. With regard to the conduct of Mr. T. Smith, which had been so strongly censured, there was nothing to show that the gentleman in question was a party to the harsh manner in which the warrant had been executed, or that he was aware that the lady against whom it was issued was in bad health. He could not say that the case was not one which should have been brought before their Lordships, who were bound to protect the lowest of their fellow-subjects from the undue exercise of magisterial authority; but the moment chosen to ask their Lordships' interposition was inopportune, as there was an action pending, and this very discussion might have an effect on the verdict of the jury, though he was sure the noble Baron would be the last man to wish this.

The EARL of CARLISLE concurred in a feeling of satisfaction that the case should have been brought forward; and he could not avoid expressing his indignation that such a case should have occurred. The remark of the noble and learned Lord, that an action was pending, applied only to the petitioner, and not to the poor lady whose life had been sacrificed, and who was now beyond the reach of human violence and inhumanity. As a female, as a foreigner, as an invalid, and as a guest, she had been treated with brutality and injustice; and not only with brutality as a female, but with treachery as a guest. He could not help alluding to the conduct of the magistrate, in ordering to be delivered up to the prosecutors on a charge dismissed as untenable the papers of one of the parties accused, who was actually dead—the poor woman, one of the parties, having expired before the case was heard, so that against her, of course, no charge could have been substantiated; and the other—the petitioner—having been acquitted. He could not but say—without going further into the case—that (with respect to the retention of the papers particularly) the ordinary course of justice had been culpably departed from.

The DUKE of NORTHUMBERLAND said, he was sure all of their Lordships had felt shocked at the case; but he submitted that the fact of a suit being pending should prevent its being at present inquired into or discussed.

The EARL of ELLESMERE said, he felt indebted to the noble Baron who had brought this case before their Lordships. He felt not only pity for the fate of the poor lady who had lost her life, but commiseration for the simplicity of the magistrates who had allowed themselves to be made dupes and instruments for the perversion and prostitution of our law to the purposes of private malice. That was the real history of this case. Suppose the noble Earl the Secretary for Foreign Affairs had allowed a British subject in Austria or Tuscany to be treated as this poor lady had been, he would have been served up, for the daily morning's amusement of newspaper readers; he would have been baited with questions, and vestry agitators would have lived upon him for a week. It seemed to be suggested that the poor victim might be hunted down with impunity, because, as it was said, she was not a Baroness Von Beck: she said she was. If every body who assumed a title that did not actually belong to him, was to be hunted down in the same way, the result would be extremely disagreeable to a vast number of persons. The gentleman, for example, who made so much excitement with his itinerant oratory as being Governor General of Hungary, would have thought it very hard, if somebody or other who did not like him had got some magistrate to lock him up in a solitary cell, on the proposition that he was not Governor General of Hungary. He would not enter further into the subject, in deference to the appeal of his noble and learned Friend the Lord Chancellor, not with much respect for the opinion of the noble Marquess the Lord Privy Seal, who really seemed to think there was nothing irregular in the case.

LORD BEAUMONT begged to say, with reference to the observations of the noble Marquess, that all the depositions were incorporated into the petition, and all the proceedings before the magistrates at the hearing of the case when they dismissed the charge, so that their Lordships had all the materials necessary to form a fair judgment on the case. The matter, indeed, had been decided by the magistrates, who had acquitted and discharged the petitioner. As respected the petitioner, he did not desire their Lordships at present to interpose, an action being pending; but as to the poor lady who was dead, and had been so ill treated, what remedy could be had at law? If, as the Lord Privy Seal seemed to think, all this was only the regular course of law, the sooner such law was altered the better for the country and its character.

LORD CAMPBELL protested against this proceeding being drawn into a precedent. As far as the petitioner was concerned, it was acknowledged by the noble Lord (Lord Beaumont), that as an action had been brought, it would be improper for him to appear for that person, but he appeared for the shade of the departed woman. If all that had been stated was true, the magistrates were amenable to a criminal information, and liable to be dismissed; but even if a criminal information were granted against them, they would have been heard in their defence.

The MARQUESS of SALISBURY explained that he did not dispute that the case deserved inquiry; but only that at present it was impossible to pronounce upon the conduct of the magistrate.

The MARQUESS of CLANRICARDE said, he thought the House and the country were indebted to his noble Friend for bringing this matter forward; and he sincerely hoped that no such case of hardship would ever occur in this country, either to a British subject or to a foreigner, that would not be brought forward in some quarter or other; and, if proper redress could not be had out of that House, that some noble Lord in it would bring the subject under the consideration of their Lordships. It was fallacious to say that there was a legal remedy available to the parties, for an action could not afford reparation to the poor lady; and as to a criminal information, who was to run the risk of setting the law in motion? The very fact, however, that the Lord Chief Justice had pointed out that course of a criminal information, proved how serious the case was. What provision had been made to prevent a recurrence of such cases? The matter took place in August last, and since that time it did not appear that the authorities had acted. Was the case to be passed over without any attempt to apply a remedy, or to afford redress? Surely the magistrates must have seen it was only a case for a summons. And though the magistrates might not be responsible for the manner of executing the warrant, they were responsible for the character of the officers whom they retained in their employment to execute these warrants. In such cases it was often not practicable to set in motion the processes of the law for the purpose of obtaining redress; and their Lordships should institute an inquiry, as the authorities had not thought proper to take the matter up at all.

The EARL of DERBY said, it was remarkable that two noble Lords should have expressed their opinion, in the strongest and most unreserved terms, that a gross act of hardship and oppression should have been perpetrated, and yet those two noble Lords were themselves Cabinet Ministers, and responsible for the business of the country for a period of several months after the events in question took place. It might suit them now to make very indignant and eloquent speeches with respect to the great injustice that had been suffered; but for months after this unhappy case occurred, those who were responsible for omission and neglect in reference to it were not his noble Friends near him, or the noble and learned Lord now on the woolsack, but the noble Lords opposite and their Friends. He was convinced that if the late Secretary of State for the Home Department had thought this a proper case for interference, the right hon. Gentleman's well-known humanity and respect for the laws would have led him to interpose; but whilst the case was pending in a court of justice, it was extraordinary that two noble Lords who had lately been Cabinet Ministers should get up and complain that it had been neglected, and that it was the fault of the superior authorities that such oppression should be permitted.

The MARQUESS of CLANRICARDE denied entirely that he had treated this as a party matter. If he were in office now, there was not one word he had uttered which he should not be prepared to repeat and adhere to. He made no accusation against any one; all he had said was that his noble Friend was justified in bringing this case before them. He adhered to his opinion that if such an occurrence had actually taken place, that House was the proper place in which to bring forward the complaint; and he hoped that the matter would be inquired into at the proper time.

The EARL of CARLISLE said, he must also offer a word in explanation. Not one single syllable had fallen from him imputing blame to any authority among the noble Lords opposite, nor indeed to any authority whatever. The blame he had alleged was confined to the conduct of the parties who took part in the transaction at Birmingham, of whom he believed that the magistrate was probably the least in fault. The case was only brought before his (the Earl of Carlisle's) notice within the last few weeks, and by a gentleman with whom he had not the honour to be acquainted, but who dated from the Conservative Club.

LORD TRURO said, that he had the honour to hold the Great Seal at the time when this occurrence was stated to have taken place; but among the many matters which then engaged his attention, he had not much opportunity for reading the newspapers, and therefore he was not aware that this case had happened. If, however, it had been regularly brought under his notice, he should certainly have deserved the heavy censure of their Lordships if he had not immediately given it his serious consideration, and brought it before the attention of the Government. But it was not in the power of the Lord Chancellor, or of the Secretary of State, or, indeed, of the Minister who presided over any other department, to watch the reports in the newspapers—their duty was, whenever a matter was officially brought before them, to give it the best consideration it demanded. In this particular instance he had not yet heard any grounds for believing that the magistrate was open to the very severe censures that had been passed upon him; but he supposed the jury would hear of them when counsel stated the case in a court of law, and no doubt every sentence that had been pronounced in their Lordships' House would be found to add to the damages. He (Lord Truro) thought it singular that the petitioner, if he really wished to bring the transaction into notice, and to have the treatment which this unfortunate lady had received stamped with public reprobation, did not take steps to place the matter before the Home Secretary; if that had been done, no petition, like the present, would have been necessary. He (Lord Truro) could see nothing in this case that warranted the conclusion that the magistrate had not proper grounds for acting as he did; nor, on the other hand, could he see any evidence to show that Mr. Toulmin Smith was at all aware of the position in which the lady stood when the warrant was issued. With regard to the manner in which the warrant was executed, the officer was clearly responsible; but there was no certain knowledge before the House that any responsible party was cognisant of her state of health, or any other circumstance; and unless the matter was brought before the Lord Chancellor or the Home Secretary, it was not to be expected, nor would it be convenient, that they should volunteer to interfere. If the allegations against the magistrates had been proved, he should concur in their condemnation, but he objected to their being condemned before the proofs were stated. If, however, the petitioner had sought for redress in the proper quarter, and by the proper means, and had failed in obtaining it, he hoped that that House would be always open to receive applications for justice; but he trusted they would never open a door to any *ex parte* complaints against public authorities.

The MARQUESS of CLANRICARDE said, he had a letter which explained why this case had not been brought before the Lord Chancellor or the Home Secretary. The occurrence took place on the last day in August, and very soon after the proceedings were first taken in the action that had been referred to, because early in November a summons was issued from the Court of Queen's Bench at the instance of the plaintiff. An application was afterwards made by the defendant to remove the *venue* to Warwickshire, and the action then stood for the spring assizes. Circumstances interposed to prevent the suit proceeding at that time, and it was again postponed to the Warwickshire Summer Assizes.

The DUKE of ARGYLL said, that the most serious complaint against the magistrates was, that they had delivered up the papers of the unfortunate lady to the prosecutor, although no case had been made out against her; and it was extraordinary that Mr. Toulmin Smith should still have them in his possession.

LORD TRURO said, it was possible that the papers comprised a list of the subscriptions that had been obtained by these parties, and the prosecutor desired that they might be impounded, to have them produced before the grand jury.

LORD BEAUMONT said, that the papers were seized, and not impounded, and were handed over to the prosecutor. That was the information he had received. After this conversation, he would take the liberty of asking the noble Earl opposite whether it was his intention to recommend the Secretary of State for the Home Department to make an inquiry into this case, with the view of ascertaining the grounds upon which the magistrate issued the warrant, how the warrant was executed, and what were the subsequent proceedings?

The EARL of DERBY replied, that it was not his intention to interfere in any way; but he had no doubt that the Secretary of State for the Home Department, if the case were properly brought before him, would take any steps that he ought to take in the discharge of his public duty.

LORD BEAUMONT said, that if the noble Earl, after what he had heard that night, did not intend to speak to the Home Secretary on the subject, he would now give notice that he meant to bring forward a specific Motion for inquiry in that House.

Petition ordered to lie on the Table.

IMPROVEMENT OF THE JURISDICTION OF EQUITY BILL.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3ª."

LORD TRURO said, that this Session of Parliament was expected to be shorter than usual; but it would be more remarkable in the history of England in reference to the amendment of the law than almost any other Session. They had had a full inquiry made into the administration of the Common Law, such as had not taken place since the time of Edward III. The most deliberate examination had been made into matters affecting the administration of justice in every department, by the most competent persons; and measures had been prepared to carry into effect their recommendations. Parliament had therefore done the utmost that the public could expect of it. It was impossible that such measures could be framed in a perfect manner in the first instance, but every thing that was possible had been done in deliberately examining into matters affecting the administration of justice in every department. With respect to the present Bill, which had reference to the Court of Chancery, he hoped it would become law in the present Session. The Chancery Commission had been appointed in the latter part of 1850. They inquired and deliberated twelve months, and prepared a most elaborate Report, which he would recommend those who objected to any part of the present Bill to read. He (Lord Truro) had come into office in July last, and had entered into communications with them as to the amendment of the proceedings in the Court of Chancery. On the 27th January last the Commission presented a most elaborate and learned Report, and on the 27th February he (Lord Truro) retired from office, so that the Report had only been in his hands for one month previous to his retirement, and Bills were then being prepared to carry the Report into effect. His noble and learned Friend had received the seals in February, and had laid this Bill upon the table during the present Parliament, which was much more than could have been expected from him. The Bill had also been approved of by a Select Committee. The progress of these measures had been most expeditious: it had marked an earnest desire to meet the wishes of the country on the subject, and he trusted they would pass into law during the present Session.

Lord CRANWORTH concurred in believing that the Bill now before their Lordships would on the whole contribute most materially indeed to the improvement of the administration of justice. The Report of the Chancery Commissioners not having been presented, as his noble and learned Friend had stated, till just before the meeting of Parliament, unfortunately there had not been the same opportunity for considering their recommendations as was afforded in the case of the Report of the Common Law Commissioners. He was afraid therefore that it might turn out that the enactments proposed might not be found so complete and so free from cavil as those of the measure relating to the Common Law Procedure. For this, however, no one was to blame; and certainly the noble and learned Lord now on the woolsack had devoted the utmost attention that the limited opportunity he had had admitted of, to the improvement of our Equity practice and procedure, and he (Lord Cranworth) believed that the measures of the Government were as nearly perfect as, under the circumstances, they possibly could be. So long as no step was made in a wrong direction, the public need not complain, under the circumstances, that the measure did not go to the full extent to which it might go. He shared in the wish that the Bills now passing their Lordships' House would become law in the present Session. They would tend to dispel what he believed to be a vulgar prejudice, that persons connected with the administration of the law had a sort of feeling for resisting improvements in anything relating to their own particular profession.

On Question, *Resolved* in the *Affirmative.* Bill read 3^a accordingly.

Lord CRANWORTH moved the omission of the 50th Clause, which he said did not come within the scope of the Bill. This clause authorised the Court of Chancery to direct that certain books of account should be held to be *primâ facie* evidence, although these documents, according to the ordinary law of the land, were not evidence. It was clear that the clause enacted something for the Court of Chancery, which, if it was right to enact for that Court, it was right to enact for any other Court. He must say that he thought it a matter of the most dangerous precedent to enact that it should be lawful for a Court to order that to be evidence which was not evidence on general principles. He therefore would move that the clause be omitted.

Lord TRURO was understood to say that he could not help thinking that this enactment of the Bill was of a dangerous character.

The LORD CHANCELLOR said, he did not understand his noble and learned Friends as wishing to divide the House, but as protesting against a certain clause in the Bill. He (the Lord Chancellor) admitted the clause in operation was a very doubtful one; but the opinions of the seven learned Judges who had gone into this Bill as a kind of Select Committee had been delivered in favour of the clause, and the clause was consequently retained. The Bill which he held in his hand was copied from the Report to which he had just referred, and, therefore, he was not at liberty to cut out that clause without the consent of those learned persons; but the Bill might be so amended in the other House. It did so happen that very often an executor to a will might for a very great number of years have filed all his bills, and a man might have kept his accounts regularly, but not expecting to be called on at the end of fifteen or sixteen or twenty years, had not kept all the vouchers. The object, therefore, of his (the Lord Chancellor's Bill) was to enable the Court to give effect to the evidence on both sides. That there were cases which required this, no one could deny; but that there were cases also to which it ought not to be extended, he was perfectly ready to allow.

Amendment *negatived:* Bill *passed,* and sent to the Commons.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Friday, May 28, 1852.

MINUTES.] PUBLIC BILLS.—1° Protestant Dissenters; Master in Chancery Abolition; Improvement of the Jurisdiction of Equity; Common Law Procedure; Metropolis Buildings; Corrupt Practices at Elections (No. 2).
3° Proclamation for Assembling Parliament; Ecclesiastical Courts (Criminal Jurisdiction).

NEW ZEALAND GOVERNMENT BILL.

SIR JAMES GRAHAM said, that as the New Zealand Bill stood first on the Order paper for the Thursday after the Whitsun holidays, it was highly desirable that the House should have all the details that could be collected to enable it to come to a decision upon that measure. By reference to the papers already laid upon the table, it appeared that the Settlement of Canterbury contended that the limit of the proportion payable to the New Zealand Company on land sales was 2*s.*, or one-tenth, assuming 1*l.* an acre to be the minimum price by law; and that that was not only the limit for the Canterbury Settlement, but for all the Settlements in the island of New Zealand. It appeared also that the answer given by the Colonial Office on this question in September last had been referred to the Law Officers of the Crown, and an intimation was given that that opinion would be communicated to the persons representing the Canterbury Settlement; but that opinion, which was a most important one, he could not find amongst the papers laid before the House. Now, he was the last person who would seek to violate that official rule which had been established for the benefit of the public service—namely, that the opinions of the Law Officers should not be produced; but in one of the pages of the papers produced he observed the opinion of his right hon. and learned Friend the Master of the Rolls and the late Attorney and Solicitor Generals. Considering the whole of the circumstances, therefore, and seeing the important bearing of the opinion to which he had adverted as not being amongst the papers, he begged to ask his right hon. Friend the Colonial Secretary to lay that also upon the table of the House.

SIR JOHN PAKINGTON said, he should not have the slightest objection to produce the opinion, were it not for the rule which the right hon. Baronet had just referred to. It was true the papers his right hon. Friend held in his hand did contain an opinion of the former Law Officers of the Crown; but although by accident or negligence that opinion might have found its way amongst the papers laid upon the table, he would submit to his right hon. Friend whether, after his long official experience, he did not think the rule which precluded the publication of the opinions of the Law Officers was not a good one, and if it were not desirable that the rule should be adhered to? He (Sir J. Pakington) was of opinion that it was a good rule: it was also the opinion of Parliament that it ought to be adhered to, and they should be very cautious how they multiplied precedents for deviating from it. Under these circumstances, he would certainly rather decline laying that opinion before the House; and he had the less hesitation in giving that answer, inasmuch as he believed he was justified in stating, that, if he were to lay it upon the table, his right hon. Friend would find that it had not the least reference to the question now at issue. He believed he would find upon reference to it that that opinion related to a question which arose between the Canterbury Association and the New Zealand Company with regard to the payment of 10*s.* per acre, which under the existing regulations was payable to the New Zealand Company upon all lands sold by the Association. A question arose whether the whole of that 10*s.* was to be retained by the New Zealand Company, or whether, by analogy with certain payments in the other Settlements, a proportion of it was not to revert to the Canterbury Association; and he believed he was right in stating that the opinion of the Law Officers of the Crown was taken upon that question, and that it had no relation whatever to the question now at issue—namely, what proportion of the land sales in New Zealand ought, in justice and equity, under the Act of 1847, to be paid to the New Zealand Company, in liquidation of the debt due to them for the relinquishment of certain rights in that Settlement.

GUANO ISLANDS OF LOBOS.

Lord STANLEY begged the indulgence of the House while he corrected a statement, or rather the impression which would be produced by a statement, which had fallen yesterday from the late First Lord of the Admiralty. That right hon. Gentleman had stated that the British Admiral commanding in the Pacific had sent a ship of war to the Lobos Islands. Having already received communication on the subject, he (Lord Stanley) had felt it his duty to make inquiry, and found that a ship had lately been sent, not to those islands, but to the Guayaquil river; the captain had, indeed, orders, if time allowed, to look in at the islands, and report what was going on there; but the object of his mission was totally different. He might take that opportunity of quoting an expression used by the Admiral, who stated that in his view, the Lobos Islands were as much an integral part of the Peruvian Republic, as the Scilly Islands were of Great Britain.

Sir FRANCIS BARING explained that what he had stated was, that the ship of war had been sent to the islands, not for the purpose of taking possession of them, but simply for the protection of the British trade there.

MAYNOOTH COLLEGE—PUBLIC BUSINESS.

Mr. REYNOLDS, seeing the Adjourned Debate on Maynooth stood No. 28 on the Orders of the Day, begged to ask the hon. Member for North Warwickshire (Mr. Spooner) whether he had had any understanding with Her Majesty's Government in reference to fixing a day for resuming the adjourned debate, or whether it was his intention to move that any day should be fixed for resuming that debate?

Mr. SPOONER said, he had had no communication whatever with Her Majesty's Government on the subject; and as to his fixing a day, it must depend entirely upon what should take place when the Order of the Day on the subject came on.

Mr. HINDLEY asked, whether it was not desirable that some arrangement should be come to; and if the Government would not fix a day for the question?—otherwise he gave notice that he should move that the Order of the Day be read for the purpose of being discharged.

The CHANCELLOR of the EXCHEQUER said, he was about to rise for the purpose of moving that the House at its rising do adjourn to Thursday next; and he would therefore take the opportunity presented by the hon. Member's question of also stating the course which he meant to propose for the order of public business after the recess, should the House consent to adjourn to Thursday. He should still adhere to the plan of taking the Committee on the New Zealand Bill on Thursday. The House would observe from the paper, that, besides the Motion for adjournment, he meant to propose certain resolutions, which he trusted would receive the assent of the House, in the course of the evening. The object of these resolutions was to make the morning sittings more satisfactory, and the course of business more efficient, by more precisely limiting the duration of those morning sittings. At present, when they had morning sittings, it frequently occurred that they were protracted until the House was exhausted; and then they did not again meet in the evening: so that, instead of increasing the time at their command by meeting in the morning, they had had less than they would otherwise have had. But by adopting those resolutions they would be able to conduct the morning sittings in a more satisfactory manner; and if the House assented, he should avail himself very frequently of these morning sittings. He had thought it better not to ask the House to give up the Tuesdays, but to leave them still in possession of private Members, as he thought it desirable that the Opposition should always have the means of controlling the conduct of business in that House; but, at the same time, he should, if it were necessary from the peculiar state of the business of the House, appeal to the forbearance of hon. Members to assist him in promoting the despatch of important public business even in that regard. If, then, the resolutions were agreed to, he should, as he had stated, take the New Zealand Bill on Thursday, and on the succeeding Monday and Tuesday he proposed to have morning sittings for the Metropolitan Burials Bill and the Metropolitan Water Bill. With regard to the question which the hon. Gentleman opposite, and several others, had referred to, in relation to the Motion of his hon. Friend the Member for North Warwickshire, on the College of Maynooth, it was his (the Chancellor of the Exchequer's) opinion, after all that had taken place, that it was expedient that that question should be brought to an issue; and with that view he should propose that the House continue the debate on Friday morning next—this day week—and he hoped there would be a determination on both sides of the House to bring the question then to a conclusion. Those were the prospects which he had at present to hold out as to the course of public business immediately after the recess. He should add that after the debate on Maynooth on Friday evening next, he meant to take the Committee of Supply. He had now to move that the House, at its rising, adjourn to Thursday next.

Mr. MILES thanked the Government for giving them the opportunity of bringing the question to an issue. When they considered there would be only four hours for the discussion on the day named, it was in the power of hon. Gentlemen who chose to move the adjournment, and thus destroy their coming to an issue. But now that the Government had kindly given way, and had stated broadly to the country that they thought the question should come to an issue, he trusted the country would see that if the adjournment were again moved on Friday, it would be done only by the opponents of the original Motion, for the sake of delay and of destroying the effect of the House coming to an issue; and that, if the House should come to a division on the adjournment, it should be taken as a division upon the main issue, and that those who voted for the adjournment should be taken by the country as being opposed to inquiry, while those who should oppose the adjournment should be taken as in favour of inquiry.

Mr. LABOUCHERE was sorry to be obliged to give expression to sentiments entirely at variance from those which had fallen from his hon. Friend the Member for East Somerset. He had heard, with no other feelings than those of sorrow and surprise, the announcement that had just been made by the right hon. Gentleman who was the leader of the House of Commons. It was not the least important of the many duties which devolved upon the person who occupied so elevated and so responsible a position, to protect the character of the House of Commons, and he greatly feared that the proceedings of that House with reference to the Maynooth question were not calculated to raise its character in the estimation of the public. There was no one in that House less anxious than he to evade a genuine, fair, and searching inquiry into the system of education pursued at Maynooth. After all that had taken place in that House and in the country, it was befitting that such an inquiry should be instituted; but he put it to the candour, the honour, the common sense of hon. Members to say whether it was within the bounds of human possibility that any such investigation should be prosecuted within a fortnight of the rising of Parliament. The very idea involved an absurdity, and he could not but think that to wrangle for an inquiry under such circumstances was to engage in a proceeding totally inconsistent with the dignity and the duty of that House. He was anxious —no man could be more so—for an honest and impartial inquiry respecting Maynooth; but he could not give his assent to any course of proceeding which bore the appearance of insult to his Roman Catholic fellow-countrymen. He was persuaded there were many hon. Members who viewed the question just as he did, but who nevertheless took a course which their consciences could not approve, apprehensive lest their motives might be interpreted erroneously out of doors. But he believed that in so doing they acted very foolishly, for he did not believe that even amongst those who were most determined in their hostility to Maynooth, there was a desire for an inquiry not conceived in a fair spirit, and not conducted on terms of the strictest impartiality. He appealed to the hon. Member for North Warwickshire to say whether he thought it possible that during the present Session even the foundations of an efficient inquiry could be laid. If the Committee was constituted to-morrow, the Members would find it impossible to attend, for they would be obliged to visit their respective constituencies, and to canvass them for the ensuing election. An inquiry instituted under such circumstance would be a farce—a delusion —a mockery—and it would conduce but little to the dignity of that House, to the interests of truth, or to the preservation of religious harmony throughout the country, to raise the question at an impracticable moment, and to prolong discussions which could not lead to any practical good. He should vote against the Committee, not because he was hostile to inquiry (under proper circumstances he should have supported it), but because to propose it at such a moment was to practise a delusion on the public, and to offer an affront to his Catholic fellow-countrymen.

Mr. SPOONER, in answer to the appeal as to whether he thought that in this present Session the inquiry could be carried to a satisfactory conclusion, would at once say that he did not think it could be. But it would be exceedingly satisfactory to the country at large if the House should say that night that it was willing to entertain the question. It was right the country should know that a sufficient case had been made out before the House for inquiry, and that would be the effect of his Motion when a vote was come to on it. With respect to the observations of the right hon. Gentleman opposite (Mr. Labouchere), he did not think anything had been done either by those who brought forward or supported the Motion to injure the character of the House, whatever might have been effected in the way of the factious opposition with which the Motion had been met by those who, while professing themselves willing that the inquiry should take place, occupied the House with long speeches and personal abuse, instead of at once, and without further discussion, agreeing to the inquiry, to which they said they were not adverse.

MR. GOULBURN felt, with the right hon. Gentleman and others on that side of the House, that an inquiry into Maynooth was unavoidable, after all that had transpired; and therefore he was prepared to support the Motion for inquiry, without committing himself to the opinions of the hon. Gentleman who had made the Motion; and if he rose on the present occasion it was only in the hope of reconciling the conflicting opinions which had been expressed just now. The hon. Gentleman had stated that he did not conceive it possible that any satisfactory inquiry could be come to this Session. The object of the hon. Gentleman's Motion would not be advanced, therefore, by agreeing to his Motion. He (Mr. Goulburn) would then suggest to the Government to institute a strict inquiry into Maynooth by means of a Commission, and to have their report ready to present to Parliament when it should again meet; and then the House would have before it the materials whereby to judge whether it should refer that report to a Committee of the House, and so decide upon the joint evidence taken before the Commission and the Committee, as to whether Maynooth had satisfied the expectations of its original founders, or of those who had increased the grant. By that means the desire of the country on the matter would be satisfied, and they should avoid the recurrence of those debates in which they had been engaged, and in which he concurred with the right hon. Gentleman that they did not reflect credit upon their proceedings.

The O'GORMAN MAHON maintained that there was a sincere desire, on the part of the Opposition, to have the question brought to a satisfactory issue. They deired that the matter should be fairly debated; but in this ambition they were continually thwarted by hon. Gentlemen opposite. They might have made a House on Tuesday evening, but they were absent. The hon. Member for North Warwickshire was himself absent when the Speaker resumed the chair at Eight o'clock. [MR. SPOONER: Not I.] Well, if the hon. Gentleman was not absent, his Colleague was —and so, too, were those who affected to support him; and all the Ministers. Friday morning was not at the disposition of hon. Gentlemen opposite; it belonged as much to hon. Members on his side of the House. If hon. Members opposite had a sincere desire to come to a conclusion on the matter, let a proposition be made by Ministers that the House should meet to-morrow, at Twelve o'clock, and let the debate be continuously pursued. It did not lie in the hon. Gentleman's mouth to taunt the Opposition with making long speeches, seeing that he had himself favoured the House with a speech of three hours' duration. That speech was full of matter hurtful to the feelings of the Catholic community; but in the debate to which it had given rise, not more than two Catholic Members had spoken. He would suggest that the House should sit to-morrow (Saturday), at Twelve o'clock, for the resumption of the debate.

MR. NEWDEGATE denied that either he or any hon. Gentleman with whom he acted in this matter, had done anything which was at all calculated to injure the character of that House. Nothing that they had done could be so derogatory to the dignity of the House as that a small section of Members should pursue a factious course, and endeavour to coerce the majority. With respect to the charge brought against him by the hon. Member for Ennis, of not having attended in the House on Tuesday evening, he begged to remind the hon. Member that he had come down to the House and was just entering the door, when he met the hon. Member himself coming out, and was told, to his great astonishment, that the House had been counted out. He could not give his sanction to the suggestion of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) because he believed that inquiry by means of a Commission would not be effective. Both the right hon. Gentleman (Mr. Goulburn) and the right hon. Gentleman the Member for Taunton (Mr. Labouchere) believed that an inquiry into the educational system pursued at Maynooth was indispensable, and he could not perceive their consistency in resisting an expression of opinion to that effect upon the part of the House.

Mr. HUME asked of what avail it could be to proceed with a discussion of this kind, when only two Roman Catholic Members from Ireland had had an opportunity of expressing their opinions, and many more would wish to do so. In what situation were they? It was expected the House would be prorogued about the 20th June—the day fixed for Her Majesty to leave town. On Tuesday, in the Income Tax Committee, he had been unable to collect five Members at any hour during the day. Even if a Committee on Maynooth were granted that night, they could not expect to do anything on a question of such importance. They would hear one side; that evidence would go forth to the country, the witnesses being of the same opinion as the hon. Mover of this Resolution; and this would aggravate the evil that had arisen. He put it to the Government whether it was not better to adopt the suggestion of Mr. Goulburn? Let them appoint a Commission of Inquiry, taking upon themselves the whole responsibility of that inquiry. The Roman Catholic Members had expressed their readiness to meet it. Was it not better that such an inquiry should be free from the prejudice that would attach to it if it were undertaken under the honourable auspices of the Mover (Mr. Spooner)?

Mr. H. HERBERT said, he admired the command of countenance of the hon. Member (Mr. Newdegate), when he talked of the grave nature of these proceedings. The House was not discussing the merits of Maynooth, but a Motion for Inquiry, which every one knew—whatever vote they came to—could neither be commenced nor concluded this Session. He could not but look at this discussion in one grave light. As a Protestant—he hoped a sincere one—he had lived for years in the midst of a Roman Catholic population; and he knew how powerful for evil was the slightest word uttered in that House which had a tendency to excite the evil passions they all lamented. For years he had painfully seen that the great misfortune of Ireland had been made its religious differences. And when he reflected on the small amount of eloquence or ability which might enable any hon. Member of that House to inflict an infinity of evil on that country, he could not but regard the subject as one of a most grave and serious nature. Discussions carried on as this had been, inflicted more injury—material injury—upon even Protestant interests in that country, than ten Colleges of Maynooth could possibly effect. He responded to the appeal made by the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn). If the Mover wished for inquiry, and the Government desired to second his wishes, a mode had been pointed out by which some satisfactory conclusion might be come to—the Government instituting the inquiry, and laying the results before the House early next Session. Coming from such a source, the sincere Protestants of the country must approve the suggestion. After the expression of opinion on that side the House, if the supporters of the Motion did not accede to the proposition, the country would understand that it was but a sham and a delusion—and that the real object of those hon. Gentlemen was to get up a cry at the hustings.

Mr. P. HOWARD said, the Opposition had been accused of creating unnecessary delay; but Mr. Spooner should recollect that he at first proposed to adjourn the Motion till the 16th of June; and that it was only at the repeated remonstrances of that side of the House that an earlier day was appointed. He believed that those who had signed the petitions against Maynooth had been led, by want of information, to attack the olden faith; they had done it not from malice, but from ignorance; many who were occupied in daily toil had doubtless taken this step without adequate information. If this question was to be revived, the sooner it was done the more contented he should be; for it would be his duty to refute the arguments and dispel the fallacies that had been adduced by the hon. Mover; and as soon as those arguments were met, they would vanish in smoke.

Sir BENJAMIN HALL said, that he wished to say a few words with respect to the suggestion which had been made by the right hon. Gentleman the Member for Cambridge University (Mr. Goulburn). He (Sir B. Hall) believed that it would be generally admitted that it was impossible that this inquiry could produce any beneficial result. But even supposing that the Motion of the hon. Gentleman (Mr. Spooner) were carried by a large majority, and a Committee were appointed, there would be a discussion with respect to the name of every hon. Member proposed to be placed on that Committee. Under these circumstances, looking at the importance of the question, he must venture to express a hope that between this time and the meeting of the House on Monday next, the Government would take into its consideration the suggestion which had been made by the right hon. Gentleman (Mr. Goulburn). The Chancellor of the Exchequer had already stated that he would consider the subject; but as the Government had spoken in favour of a Committee of Inquiry, and as it was impossible that a Committee, if appointed, could make any report during the present Session, he hoped that hon. Gentlemen opposite, if they were sincere, would be prepared to answer the question which he now gave notice he should put to them on Thursday next, namely, whether or not they had considered the proposition of the right hon. Gentleman (Mr. Goulburn), and whether they would agree to the appointment of a Commission?

Mr. REYNOLDS thought the Gentlemen who were so tender of the character of that House were labouring under a false alarm. As to its character for liberality, the less they said about it the better. It would be impossible for any House to have a worse character in that regard; therefore, he trusted they should hear no more about it. It was complained that the time of the House was wasted, and he believed that was a substantial grievance, for it had very little time to spare—its days were numbered; it was likely to live about three weeks, and then it would be entombed with all the Capulets, and this inquiry along with it. He should like to hear a speech from one or two of the Ministers on this question. The Chancellor of the Exchequer had promised them a morning sitting on Friday, and Mr. Miles had thanked him for it. They had to thank him for nothing, for Friday belonged as much to that side as to the other side of the House. But he could not avoid noticing the silence of the hon. Member for Peeblesshire (Mr. F. Mackenzie) who was the candidate for Liverpool, and who had pledged himself, through his committee, if elected, to vote for the withdrawal of the Maynooth grant. It would not be respectful to the House, nor to the Liverpool gentlemen, if the hon. Gentleman did not repeat in that House the contents of the Liverpool placard. He saw sitting opposite the guardian angel of Protestant ascendancy the Irish Solicitor General—what account was he prepared to give to the loyal and independent Protestants of the loyal and independent borough of Enniskillen? He left the whole defence of the Protestant Church in Ireland, and the scolding of Maynooth, to three English county Members. As the hon. and learned Gentleman now sat, he reminded him of Sir Joshua Reynolds' picture of Garrick seated between Tragedy and Comedy. An hon. Member had complained that long speeches were made; but the longest speeches had been delivered on the other side; the Mover had occupied about three hours. An hon. Member (Mr. Miles) said that any one who moved an adjourment of the debate when it next came on, would be held up to the country as factious. Who had moved the adjournment last? The hon. Member for Boston (Mr. Freshfield). Last night the Home Secretary had said that Government never sanctioned the Motion. How did that consist with his speech in support of the Motion? He had adopted the proposition, and supported it, and stated that he would vote for it on a division. Last night he had totally disavowed it, divorced himself from all connexion with the Mover of the Resolution. He said, in effect—"I have nothing to do with you; you brought me into a scrape, and I wish I was rid of it." This was a very pretty quarrel as it stood; the least explanation would spoil it. Still they must have explanation. The supporters of the Motion would not be permitted to go to the country and tell the honest electors of England and Scotland that they who professed the Roman Catholic religion had at all opposed the Motion. They invited and courted inquiry; but they were not prepared to consent to it until they answered, not the arguments—for there had been none—but till they dispelled the cloud that had been thrown before the independent electors by raising a cry of "No Popery," after the Government had been totally and entirely defeated in the attempt to raise a protection cry. He wished to afford the hon. Member for Peeblesshire (Mr. Mackenzie) an opportunity of explaining to the House. That the hon. Gentleman, now the Chief Secretary to the Treasury, and candidate for Liverpool on "No-Popery" and "No-Maynooth" principles, voted in 1845 against the grant of 9,000*l.* to the College of Maynooth; in 1846 he superseded Mr. Pringle, and became a Lord of the Treasury, under Sir Robert Peel, Mr. Pringle being dismissed for having opposed the Maynooth Bill. Mr. Mackezie then voted and spoke in favour of the Motion for 26,000*l.* a year, not as an annual grant, but as an endowment by Act of Parliament. What was then his excuse? That he had voted against the 9,000*l.* because he thought it too little, but he would vote for the 26,000*l.* He was now Chief Secretary of the Treasury; Lord Derby was Prime Minister; and the Ministerial benches were closely studded, entirely occupied, by noble Lords and hon. Gentlemen who had invariably recorded their votes on every question by which the liberties of the Catholics of Ireland could be curtailed. The hon. Gentleman went to Liverpool—Liverpool, which was not less powerful because 100,000 Roman Catholics lived there, and several thousands of its electors were Irish Roman Catholics—and he said—"Vote for me, and I will repeal the 26,000*l.* a year granted to Maynooth." To him might most aptly be applied the lines from Hudibras:—

"What makes all doctrines plain and clear?
Just twelve hundred pounds a year.
And that which was proved true before
Prove false again? Twelve hundred more."

How could the leader of the House say that the Government had not supported this brutal and intolerant cry? How could the Home Secretary declare that he had not sanctioned it, when a subordinate official was sent into that great emporium of commercial traffic and prosperity to sound the tocsin of religious discord, by declaring that be would vote for the withdrawal of the grant to Maynooth? The Irish Solicitor General (Mr. Whiteside) had over and over again proclaimed that, if he had a seat in that House, he would never sit silent when the Protestant religion was to be vindicated on one hand, or to bring Popery into its proper diminution on the other. Where was he now? Echo answered, Where? A Commission of Inquiry was suggested: what did they propose to inquire into? They assumed that, in consequence of recent circumstances, inquiry was necessary. What were those circumstances? The Durham letter? The Episcopal Titles Act? Or was it the conspiracy carried on in this city by a half-clerical, half-lay Committee, sitting at the National Club, and writing to all the towns in the United Kingdom imploring them to send up petitions against Maynooth? They knew well there was nothing to inquire into; but they adopted the principle—"Throw plenty of dirt, and a portion of it will stick." Their principle was that adopted by a man at an election, who had nothing to say against his opponent but this: he said—"The hon. Gentleman's character is excellent, but I will ask him one question—Who killed his own washerwoman?" All the women in the crowd screamed out—"Yes; come, answer that question;" and there was so much shouting and bellowing, that the man was pelted off the hustings, and lost his election. It was assumed that there was something terrible to be inquired into at Maynooth. That college was governed by a president and a certain number of professors; it educated about 600 young men, entirely devoted to the priesthood in Ireland. Its rules were embodied in a blue book of that House. A list of books was presented for the perusal of the students; and the only political question that ever entered into their studies was this—that they were compelled to take the oath of allegiance before entering on their studies. But all political works were excluded, even newspapers of all denominations; if one was found twice in a student's room, he was expelled. The proposer of the Motion admitted that the inquiry was not to be into the religious principles taught at Maynooth. The Legislature had no right to make such an inquiry. But it was said that this was a Protestant country, and ought not to support the education of Catholic priests. He denied that this was a Protestant country; the presence of himself and others there disproved it. One third of the population was Catholic, and they paid at least one-third of the taxes. If hon. Gentlemen denied it, let them prove the contrary. What was the pretext for withdrawing this paltry 26,000*l.*? All that could be alleged was what had been done by the Synod of Thurles; but he denied that such was the case. He would make no promise that the debate should be closed on Friday next. They required the question to be fully and fairly discussed; and it was not fair that the Irish

Members should be told, on the eve of an adjournment, that they must come back the day after the recess to hear a renewal of those senseless and besotted denunciations which so much destroyed good feeling between Catholics and Protestants. All he would say of the hon. Gentleman (Mr. Spooner) was—God forgive him! Though he had already sown the seeds of that discord which prevailed so extensively last year he (Mr. Reynolds) forgave him, and hoped God would do the same.

MR. FRESHFIELD repudiated the charge of being the cause of any delay in the discussion of the Motion. He had only moved the adjournment at an hour—half-past three o'clock—when the House was close on the period of proceeding with other business; and he had done so to give the House an opportunity of fixing a further day for the resumption of the debate. His Motion was strictly in accordance with the rules of the House, and was, moreover, made to facilitate, and not impede, the discussion of the question at issue.

MR. CHISHOLM ANSTEY observed, that if the hon. and senior Member for North Warwickshire (Mr. Newdegate) had been in the House, instead of at the door, as he admitted he was at eight o'clock on Tuesday evening, the adjourned debate might have been resumed. The country would form its own opinion of such conduct. The hon. Gentleman who made the Motion on the subject of Maynooth, said, that he despaired of effecting any good by it, because it was now too late to inquire. But if that were so, why did the hon. Gentleman, on the first occasion, propose to postpone the question till the 16th of June, which had not yet arrived? The hon. Gentleman now proposed the appointment of a Select Committee to prosecute an inquiry which he says cannot be made. The suggestion of the right hon. Gentleman the Member for Cambridge University (Mr. Goulburn) suggested the only possible and unobjectionable mode of inquiry; yet the Government did not say that they would adopt it. The fact was, that not inquiry, but aspersion, was the object of hon. Gentlemen. They wished to create political capital, but they had exhausted and gambled it away. The result of the discussion would satisfy every man, that, however much hypocrisy there might be in the House, there was not one atom of bigotry in it.

MR. KEOGH wished to say a few words on the subject before the House, thinking it was right the country should understand the game that the Government were playing on this occasion. He understood that the hon. Member for North Warwickshire (Mr. Spooner) was anxious to have this discussion prosecuted, and was anxious also that this question should be supported with the whole strength of the party opposite. He had heard something said as to its being the wish of the hon. Member to raise a cry in the country; but he (Mr. Keogh) did not believe that that was the object of the hon. Member. He believed him to be really opposed to this grant, and to be anxious to see it repealed. He did not, however, give the same credit to other parties, who had encouraged and advised the hon. Member for North Warwickshire to bring forward this Motion. The right hon. Gentleman the Secretary of State for the Home Department had spoken on this subject, and, to a certain extent, had assented to the proposition made by the hon. Member; but the leader of that House had not favoured them with his opinions on this question, and the Chancellor of the Exchequer knew whether or not there was any other Member of Her Majesty's Cabinet, distinct from the Secretary of State for the Home Department who, before he held the high office in which he was now placed, counselled and advised the hon. Member for North Warwickshire to bring forward this Motion. As regarded that right hon. Gentleman, he would recall to the attention of the House what his idea was upon the plan of "raising a cry" in the country. Tragedy and comedy had been referred to; but there were two characters, Tadpole and Taper, immortalised in the writings of the right hon. Gentleman, who met a Mr. Rigby on one occasion, and told him, "We can never do anything without a cry in the country." Now, what was the designation of that cry? In this country it was Protestant Derbyism; in Ireland it was Roman Catholic Derbyism. He believed that there were secret practices going on out of the House; because (and he begged the attention of the hon. Member for North Warwickshire to this) he had heard of and had about him at that moment an address from a Derby candidate—and there were numbers of them in Ireland—who came forward professing to be earnest supporters of the present Administration, and yet who had in every case stated in their addresses that they were wholly opposed to the Ecclesiastical Titles Bill of last Session, and that they were determined, *totis viribus*, to support the grant to the College of Maynooth. Was the hon. Gentleman (Mr. Spooner) and the Protestant party, whose organ he was in that House, satisfied with this state of things? The right hon. Gentleman the Chancellor of the Exchequer, in 1845, when he was assailing the late Sir Robert Peel, in warning words told the House that Protestantism was in the same position then as Protection was in 1841. He (Mr. Keogh) asked the hon. Member for North Warwickshire whether he could place any confidence in the Treasury Bench, which sent its supporters to Ireland to raise a cry in favour of Derbyism and Maynooth, while they had their followers in this country going from one end of the kingdom to the other in favour of Derby and Protestantism? That was the position in which this question was placed; but how was it with regard to the declaration of this evening? The question was, that a Committee should be appointed to inquire into the system of education at Maynooth; the leader of the House of Commons supported that proposition; when forthwith the hon. Gentleman who made it got up and told that House that the Committee for which he sought could never meet, that the inquiry he demanded could never take place in the present Parliament. And was this House of Commons, then, to concede an inquiry to an independent Member who had the candour and manliness to get up and tell the House, "I believe the result of the investigations of the Committee will be wholly inoperative—I am asking you to grant that which can never lead to the slightest possible result?" He (Mr. Keogh), when independent Members had made Motions in this House applying for Committees, had frequently heard Ministers say, "I may be favourable to your proposition; but at this period of the Session to accede to it would be to waste the time of the House, and produce no useful result." But the right hon. Gentleman the Chancellor of the Exchequer, who frequently said that the character of Parliament was of far more importance than the position of parties, had told the House in this instance that its time must be wasted, and that he, with the whole force of the Government, would support this important proposition. He (Mr. Keogh) had also heard of independent Members bringing forward propositions, to which the right hon. Gentleman, when he sat on the Opposition side of the House, had replied that they might be good in themselves, but that they were of such importance that they ought to be taken up by Her Majesty's Government. But here was a question which was described to be, and was truly, a question of the most important nature, in which the whole population of this country were said to be deeply interested—a question which he (Mr. Keogh), in his conscience, believed would convulse the whole Catholic population of Ireland;—and yet Her Majesty's Government intrusted it to the guardianship of the hon. Member for North Warwickshire, while the whole of the Treasury bench remained silent, and they left the great interests of the country to be determined by what he supposed would be called a "compromise." Was it not one of the followers of the hon. Gentleman the Chancellor of the Exchequer who, in 1845, upon the second reading of this very Maynooth Bill, came down to this House and called the attention of the late Sir Robert Peel to the fact that two Members of his Administration had voted against him on that question, and tauntingly asked, did he mean to allow himself to be trifled with, and to allow those two Members to run right against him? Sir Robert Peel's answer was, that he was the controller of his own intentions, and that he would have the whole weight of the Government to carry out his views. But what did we see with regard to the present Administration, the leader of which in the House of Commons had spoken whole hours, and had written continually, upon the importance of making public men adhere to their principles? We found the second law officer of the Crown in England the first to raise upon the hustings the anti-Maynooth cry, in the very teeth of the recorded opinions of the Chief of the Administration; and then the Secretary of the Treasury, who, of all men in this House, ought to have refrained from placing himself a third time in a position in which no public man ought to stand, had gone down to one of the most important constituencies in England, which had been dignified by being represented by such men as George Canning and Huskisson, and had set up the same pretensions. He (Mr. Keogh) had some consolation, however, as to this, for he felt satisfied that if there was to be a vacancy in the next Cabinet, and there was any chance that the hon. Member (Mr. Forbes Mackenzie) would obtain the appointment, he would fling to the winds his late expressed opinions, and desert the constituency of Liverpool upon the question. He (Mr. Keogh) believed the Maynooth grant was but a small instalment of justice; but there was in this country a great party, of which the hon. Member for North Warwickshire was a member, who thought it ought to be withdrawn. He now warned that party that the Ministerial bench opposite were playing a most deceptive and delusive game. In one instance, a recognised adherent of the noble Premier, in his address to one of the Irish constituencies, had stated that he was a decided supporter of the endowment to Maynooth, and had led every person in that constituency to believe that the noble Earl entertained the same opinions, and that nothing was further from his intention than to concede the object of the hon. Member for North Warwickshire. If, with the perfect knowlege of these facts, the party to which he referred believed they could count securely upon the present Government, they were the greatest dupes that had ever existed. Their proposition would lead to no result; he apprehended nothing from it, except that they would once more irritate, exasperate, worry, and torture the feelings of the people of Ireland, and all this about a miserable grant, which, divided and subdivided again, would exactly leave one penny per head to the Roman Catholic population of that country.

The CHANCELLOR of the EXCHEQUER: Sir, availing myself of the privilege of reply, I should have risen at once to notice the suggestion of the hon. Member for the University of Cambridge (Mr. Goulburn) had I been aware that the noble Lord (Lord D. Stuart) was about to commence a new subject. I have been subjected, in common with other Members of the Government, to the charge of the right hon. Gentleman the Member for Taunton (Mr. Labouchere) of not being able to justify our conduct in consenting that on Friday next the House should resume the debate upon Maynooth. No one is more aware than myself how unequal I am to the responsible duties I have unexpectedly been called on to perform; but in the course which I have taken to-day I feel I have done that which my conscience tells me is right, and I am prepared to adopt the responsibility of that course. We have heard appeals not to do anything likely to lower the tone of this House, and to diminish confidence out of doors; but I think very little—nothing, perhaps—can more lower the tone of this House and diminish confidence out of doors, than to let the public get hold of the belief that there is a systematic effort to avoid discussion, and suppress the judgment of the House on this question. I have already expressed my views with regard to the conduct of this debate. I have been most anxious that it should not be prolonged; and I gave counsel to the House last Tuesday, which, if it had been followed, the debate would most probably have been then concluded. I made appeals to the hon. Member for Middlesex, and some other hon. Gentlemen who had Motions on the paper—which, without meaning any disrespect, I considered undeserving the consideration of the House under the present circumstances of Parliament—to postpone them. When we consider the duties of the leader of the House of Commons, one ought not to be omitted, that, consistent with his own convictions, it is his bounden duty to consult the general feeling of the House as to the conduct of affairs, especially of debates. It will be fresh in the recollection of the House, and, therefore, I need not dwell upon the point, how repeatedly I have been taunted because I would not give a day to the discussion of this question—because, as it was called, I would not manfully come forward and assist the decision. Only a few nights ago, Gentleman after Gentleman on those very benches from which they are now denouncing the Government because I have endeavoured to assist the debate, rose and said it was our duty to come forward and secure a fair hearing for the hon. Member for North Warwickshire; and now we are told that this debate ought not to be resumed because inquiry is impossible. Why, inquiry is not more impossible now than some very little time ago, when many Gentlemen opposite were anxious to have a decision upon this question, and not only anxious for a decision, but they said they were anxious for inquiry. We know very well what this vote means. It means that the House of Commons should express an opinion that inquiry into the system now carried on at Maynooth is or is not desirable. And when I hear of mockeries and farces—when I hear language such as that with respect to the debate and the manner in which it is conducted—it appears to me, with regard to those out of doors, it will indeed be a farce and mockery if after all that has been said, and all the feeling that has been expressed, the House does not endeavour to arrive at some conclusion. With regard to the expressions of the hon. and learned Gentleman who has just addressed the House—insinuating, and more than insinuating, that we are endeavouring to use this subject for party interests—I can only say I am perfectly conscious that I am innocent of such a charge. Had I wished to use this question for party interests, I might perhaps have adopted a very different tone; but no one can accuse me of introducing into this discussion any expressions of acerbity, or sentiments which can fairly be denounced as of a bigoted nature. On the contrary, I have expressed the ground on which I shall vote for inquiry. It is the same ground that has been more ably explained by my right hon. Friend the Secretary of State; but it is the ground which has always animated the Government: that ground is, that after a question of this kind has so occupied the public mind, and, may be, so inflamed public passion, it is both highly expedient and highly politic that we should ascertain whether the national intentions in the endowment of Maynooth have been fulfilled. I say we might enter upon that inquiry in that spirit without at all prejudging the question. One word upon the suggestion of the right hon. Member for the University of Cambridge, as to another means of prosecuting an inquiry in the expediency of which the right hon. Gentleman is himself a believer. That suggestion is similar to one thrown out by the noble Lord the Member for the City of London, in the course of this discussion. I expressed then the objection of the Government to such a step, and I shall not wait until next Thursday to express my opinion upon this new view in which the matter has been placed. Any inquiry by a Royal Commission, which cannot compel the attendance of witnesses, would not, in our minds, be a satisfactory course to pursue in the present state of public opinion on this question. No inquiry can be satisfactory unless it receives legislative sanction, and unless those powers are exercised which a United Legislature alone can confer. I ask what chance, if the hon. Member for North Warwickshire finds a difficulty in carrying on an ordinary discussion upon a mere Motion for a Committee—what chance have Her Majesty's Ministers, even if they thought it expedient to carry on a law to enable the Commissioners to exercise those powers? Every Gentleman, I am sure, feels that it is impossible. If we cannot do that, would it be expedient to adopt the suggestion of the right hon. Member for the University of Cambridge, and which more than one hon. Member has stamped with his approbation? I state the broad grounds on which I think such a course objectionable. Inquiry of that kind cannot be an efficient inquiry; and when I hear so much of mockeries and farces, I can conceive nothing more calculated to disgust the people of this country than to take the matter out of the arena of their own popular House, to introduce it to the Cabinet to devise some schemes of investigation which really can produce no results. This is one of the several, but the most important, grounds on which Her Majesty's Government opposed the issuing of a Commission of Inquiry. I am bound to say, having mentioned that I felt it to be part of the duty of the leader of the House of Commons to consult the feelings of the House—I am bound to say, in my own vindication, it was not until I received a general expression of opinion, it was not until representations were made to me by Members of almost every shade of opinion, and of every section of party on each side of the House, that I, unwillingly, in the present state of business, consented to give a day to continue this discussion. It has been mentioned that I have given a Friday—a Government day; but I had placed on the paper those Resolutions which virtually place every morning at the disposition of the Government—therefore, whether I had fixed it for Friday or for Tuesday, the result would have been exactly the same. It is because, on the whole, I thought, after the discussion which has taken place—after the public feeling which has been expressed—after the general understanding which now prevails that the vote on this subject would not be a mockery, not a vote for inquiry which cannot take place—and it is because it will give the House of Commons the opportunity of expressing their opinion whether they think an inquiry should take place into the conduct of this College or not, I have felt it my duty to take the course I have done to facilitate that inquiry. I have done it, Sir, with no other object than to fulfil that which I conceive to be my duty; and the feeling that I have performed my duty sustains me under the attacks which I have experienced.

On Motion, "That the House at rising adjourn till *Thursday* next,"

THE CASE OF MR. MURRAY.

LORD DUDLEY STUART said, he had put a question on the previous day to the noble Lord the Under Secretary for Foreign Affairs; but the answer of the noble Lord, though given at some length, was not altogether satisfactory, and did not afford that information he was desirous of receiving, and for which he thought the House and the country had a right to ask. The House was aware of the subject to which he referred, namely, the case of Edward Murray, the son of a British officer, who, for some offence had been arrested at Rome, and, after an imprisonment of three years, had lately undergone some kind of trial, and been condemned to death. He was sure that the case of any British subject in such a position deserved the attention of that House, and he was equally sure it would receive that attention, no matter however mean the condition of the party might be. But this unfortunate person was, he understood, most respectably connected, and he had been informed that, not only had his father served in the British Army, but his grandfather also, and many other members of his family. He was, strictly speaking, a British subject, born in a country under the rule of Her Majesty—namely, at Corfu, in 1823; and, it appeared that he was, with his father, travelling in Italy, about the year 1848. It seemed that he entered the service of the Government of Rome of that day, and was employed in the army there, and afterwards in the police; but he was suspected—as he (Lord D. Stuart) understood from the noble Lord the Under Secretary for Foreign Affairs—of being implicated in the murder of some partisans of the Papal Government. He was arrested and sent to Rome, where he was tried, acquitted, and set at liberty. He afterwards proceeded to Ancona; but the Pope having been restored to his dominions subsequently, the unfortunate man was again arrested for the offence of which it had been rumoured he was guilty, and of which he had been acquitted, and was thrown into prison. There he remained for nearly three years; and hon. Members who knew what Italian prisons were, either from having seen, as he had, those places of misery and torture, or from having read the eloquent description of the right hon. Member for the University of Oxford (Mr. Gladstone) would have some conception of what he—their fellow-subject—endured during this lengthened period, without being brought to trial. There was no one who could wish that, if guilty of the crime which rumour had connected with his name—for he (Lord D. Stuart) had not yet heard distinctly the charge brought against him by the Roman Government—Mr. Murray should escape justice, whether their fellow-countrymen or not; but what interested the House and the country was, whether he was really guilty or not; whether he had had the advantage of a fair and open trial; and whether those who represented this country, from the head of the Foreign Office down to the Consuls at Ancona and at Rome, had done their duty in seeking justice for an English subject. From the statement of the noble Lord the Secretary for Foreign Affairs in another place, and from information received from other quarters, it appeared to him the unfortunate gentleman had not had the advantage of a fair trial. The noble Lord (Lord Stanley) yesterday remarked that he (Lord D. Stuart) had characterised the offence imputed to Mr. Murray as a political offence, and thus wished to detract from its enormity. But what he had said was, that the Papal Government, by treating the offence as a political one, had deprived the prisoner of certain advantages to which he would otherwise have been entitled. In the first place, had he been treated as guilty of a political offence, he must have come within the amnesty issued after the return of the Pope from Gaeta to Rome; but he was not included—neither was he tried by the tribunal at Ancona, and therefore had not the advantage of an appeal, to which he would have been entitled in the ordinary course; neither had he liberty to choose a counsel, but the Papal Government had appointed to that capacity a person whose duty it was to draw up an official summary of the case; and it was very easy to understand that, in a country like Rome, where the Courts of Law were notoriously ill-managed, and justice did not prevail, the counsel appointed by Government were not likely to do that justice to a prisoner which might be expected in other quarters. He must say it did not appear to him the Consuls had done their duty in seeing Mr. Murray had fair play, because the result of what the noble Foreign Secretary had said was, that information had been sent from the Consul at Ancona to the Consul at Rome of Mr.

Murray's arrest, and that the latter at once did that which was highly becoming so far as it went, namely, represented the case to the Papal Government on behalf of the unfortunate prisoner; but Mr. Freeborn, nevertheless, did not send information to the Foreign Office of what had occurred till about February in this year; that was, not till nearly three years after the unfortunate man had been arrested. He had ever been led to believe that Mr. Freeborn was a most able and active officer, and animated by zeal for the interest of British subjects; but the circumstance of his long silence in this instance was altogether surprising, and certainly called for explanation. Either Mr. Moore, the Consul at Ancona, ought to have sent information home when the man was arrested, or to have reported the circumstance to Mr. Freeborn, if that gentleman was his superior officer; and if Mr. Freeborn received such information, he ought to have transmitted it to this country. He might be told, perhaps, that the state of the diplomatic relations between this country and the Pope were in a very anomalous and objectionable position; but whose fault was that? Was it not the fault of the party opposite? Was it not the fault of the Members of the present Government and their supporters? And if the noble Earl now at the head of Foreign Affairs found the state of our diplomatic relations with Rome unsatisfactory, ought he not to address his complaints on that head rather to the Castle of Dublin than anywhere else; because, if our relations in Rome were in that anomalous position, the noble Lord should not forget that it was to be attributed to an Amendment of the Earl of Eglintoun's, on the Bill for improving those relations, that such was still the case. The state of our relations with Rome must be a great difficulty in the way of Lord Eglintoun's governing Ireland with success. Indeed, all the recent matters of dispute between Rome and this country which had arisen—that most deplorable measure, designated the Papal Aggression, and that only one degree less deplorable measure, carried through the present Parliament, the Ecclesiastical Titles Act, to meet it—all these evils had arisen from want of diplomatic relations with Rome. But if we had no ambassador at Rome, we had subordinate officers. And how had this matter been treated by these subordinates? If they had transmitted the intelligence in due time, why did not the Government interfere sooner? Had anything been done to ensure a proper trial to the prisoner? Had any order been transmitted to Rome that proper counsel should be provided for the prisoner? What sort of a trial had he? Was it in a secret or an open court? Had he opportunities of calling witnesses to prove his innocence if he were innocent? After having been confined three years in a loathsome dungeon, was he at last condemned to the extreme penalty of death without being heard in his defence? The House was surely entitled to know something more than they had yet heard on this subject from the Government; and he (Lord D. Stuart) hoped the noble Lord would inform them on these points, for it did not appear from the statement of the noble Lord last night, when the information first arrived of this man's predicament, that any further orders had been sent to the Consul at Rome beyond a direction to watch the proceedings. He admitted that when the Government afterwards heard that the man's life was in danger, they had shown a greater interest and activity, as might have been expected from their humanity. But, had such a statement arrived at the Foreign Office when it was presided over by a nobleman who was alive to the honour of his country—who was anxious and ready to defend the interests of British subjects all over the world, and had the ability and the power to make his wishes respected—sure he was that his noble Friend (Lord Palmerston) would not have hesitated to make use of the most energetic measures, or whatever measures were necessary, in order that no injustice should be done to the accused. He wished to ask a question, also, with regard to Mr. Mather, who had been most shamefully treated by Austrian officers in Tuscany. Earl Granville, while Secretary of State for Foreign Affairs, had intimated to the father of Mr. Mather that, as soon as the affair was concluded, it was his intention to lay all the correspondence before Parliament. Now that the negotiation was brought to a close, he wished to ask the noble Lord (Lord Stanley) whether there would be any objection to lay the papers on the table of the House?

Lord STANLEY would not imitate the example of the noble Lord, in introducing into a discussion in itself sufficiently important, a variety of topics wholly irrelevant to the matter in hand. The question of diplomatic intercourse with Rome was undoubtedly a grave one; but it bore very slightly, if at all, on the present subject of debate. With regard to the case of Mr. Mather, if the noble Lord desired any explanation which Government could furnish, let notice be given, and a question regularly put, and he (Lord Stanley) would answer it to the best of his ability. He (Lord Stanley) had listened to the speech of the noble Lord, certainly with no feeling of surprise that the noble Lord should have thought the subject well worthy, even in the present state of business, to occupy the attention of the House—certainly with no desire to diminish or depreciate its interest and importance; but with a feeling of very great surprise, that, studying the case as he had studied it, and stating the facts as he had stated them, the noble Lord should have found in those facts, and in the circumstances of that case, any the slightest ground of accusation against Her Majesty's present Ministers. The noble Lord talked of pleading for the life of a British subject; but he (Lord Stanley) thought he had clearly explained on the previous evening, that as soon as the Government heard that the life of Mr. Murray was in danger, they had taken immediate and active measures for his preservation. The noble Lord had spoken of the previous imprisonment and acquittal of Mr. Murray, and the consequent hardship of his being tried twice for the same offence. Now he (Lord Stanley) was not speaking in defence of the Roman Government; but he must observe, that though it was perfectly true Mr. Murray had been previously imprisoned on this charge, it was by no means equally certain that he had been acquitted. An acquittal implied a regular trial; and it could not be proved that on the occasion of this first imprisonment, Mr. Murray had ever been tried at all. He was afraid, he might say, that from the state of parties in the country, it was equally possible, either that Mr. Murray should have been imprisoned without cause by the Papal Government, or that he should have been released without inquiry by the Republican Government. Again, the noble Lord had repeated that the offence was a political one, and therefore that Mr. Murray was entitled to a release under the amnesty; but he (Lord Stanley) thought he had already explained, that however much political feeling might unfortunately have been mixed up in this trial, there was a specific charge against the prisoner, and that charge by no means of a political nature. He was accused of having, while holding the situation of inspector of police at Ancona, connived in several instances, and particularly in one which was specified, at the murder of unoffending persons. These, however, were matters which could hardly be said to bear on the question of the conduct of the present Government. It was enough for his (Lord Stanley's) purpose to remind the House, that the earliest communication which reached the Foreign Office on this subject, was one from Mr. Freeborn, dated the 25th of February, 1852. In that letter Mr. Freeborn stated, that the arrest of Mr. Murray had taken place two years and a half before, at Ancona—not, as the noble Lord had said, at Rome—and that the reason why he, Mr. Freeborn, had not earlier interfered, was, that Ancona did not lie within his district. Ancona was in the district of Mr. Consul Moore, who unfortunately had not thought it his duty to represent the case to the British Government, though it was only justice to him to say that he had exerted himself with the local authorities. His (Lord Stanley's) statement was borne out by a despatch of his noble Friend at the head of the Foreign Department, who, in acknowledging the letter of Mr. Freeborn, before alluded to, and another from the same gentleman, dated the 8th of March, expressly said, that these were the first accounts which had reached the office, respecting the imprisonment of the individual in question. Here, then—at this point, and not earlier—the responsibility of Government began: they could not act until they had information; when they obtained it, they had acted without hesitation or delay. Mr. Freeborn had been at once informed that his previous exertions were approved; he had been desired to watch the case, to report upon it, and to use his utmost efforts to ensure for Mr. Murray a fair and impartial trial. Before this letter was received, Mr. Freeborn had already put in one remonstrance: in April and May he addressed two other appeals to the Papal Government, and in those appeals the length of time which had elapsed, the alleged illness of the prisoner, and certain reports which had been circulated as to the manner in which the trial was carried on, were dwelt upon in the most earnest and forcible manner. Looking at the position in which he was placed in regard of the Roman Government, in the absence of any accredited diplomatic agent at that Court, he (Lord Stanley) thought that Mr. Freeborn could not have done more than he had done, and that there was not the slightest ground for any charge against him of slackness in the discharge of his duty. With regard to the conduct of Mr. Moore in not reporting to the British Government the arrest and imprisonment of Mr. Murray, he (Lord Stanley) could only say, that Mr. Moore had already been written to on the subject; that he had been called upon to explain the reasons which led him to act as he did, but that his answer had not yet been received: and he (Lord Stanley) was sure that the noble Lord, who had expressed himself so strongly in favour of a fair trial, would not be the first to violate his own rule, and would not condemn Mr. Moore without hearing what he had to say in his defence. It was only justice to that gentleman to add, that so far as the local authorities were concerned, his exertions in applying to them in behalf of Mr. Murray had been unremitting. In conclusion, he (Lord Stanley) would observe, that whether Mr. Murray were innocent or guilty, he had a right to a fair trial: and the conduct of the Government in interfering, with all the influence and authority of England, to prevent the sentence from being carried into effect, showed that in their judgment the trial accorded him had not been one on which they were justified in suffering the life of a British subject to be taken. With regard to the production of the papers, he (Lord Stanley) could only follow the universal rule, which forbade the production of such papers while a negotiation was pending. When that negotiation was at an end, he should be ready to lay them before Parliament.

Viscount PALMERSTON: Sir, this subject being one which relates to the business of the department over which I had recently the honour to preside, I think it right to state, in confirmation of what has been said by the noble Lord opposite, that during the time I was at the head of the Foreign Office I received no information or communication whatever on the subject of this case. Undoubtedly it appears to require explanation why Mr. Moore, in whose district at Ancona the case originated, or Mr. Freeborn, when it was transferred to Rome, did not communicate it to the Foreign Office. An explanation might also be asked why the friends of Mr. Murray in England—for I presume that he has friends and relations here—did not themselves apply to me while I was at the Foreign Office. With regard to Mr. Moore and Mr. Freeborn, it is due to them that I should say that it is not possible two public servants could have shown greater zeal or activity in the discharge of the duties imposed upon them; and, therefore, I am bound to suppose that there were reasons which led them to think that the case did not require immediate communication with the Government of Great Britain. With regard to the steps which ought to be taken, I think that if a British subject is accused and placed on his trial for a grave and serious offence against the criminal law of the country in which he is residing, the first step would be to instruct the British Consul or the British Minister, as the case might be, that the British subject should be provided with good professional advice, to defend himself against the accusation that was brought against him. Of course, if the first information received was that the trial was concluded and sentence passed, these preliminary proceedings would no longer be in place. My noble Friend the Member for Marylebone (Lord D. Stuart) has made some observations with regard to the state of non-intercourse between this Government and the Government of Rome; and therefore I feel bound to make one or two observations on that point. The facts are, that the Roman Government, before the passing of that Act which was passed by Parliament to empower the Crown to enter into Diplomatic Relations with the Court of Rome—before that time the Roman Government did desire to have diplomatic relations with the Government of Great Britain. It is true that a clause which was inserted in the Bill in its passage through the House of Lords, and which prevented the Roman Government from sending an ecclesiastic as its representative here, did give offence to the Roman Government. I think that that offence was one which they had no right to take, because that clause in the Bill placed by law the diplomatic intercourse between Rome and England on exactly the same footing on which the diplomatic intercourse of the Court of Rome had always—certainly for a very long time—been placed with the Russian and Prussian Governments, by the decision of the Governments of St. Petersburgh and Berlin—a decision which the Court of Rome implicitly acquiesced in. The Pope had a Minister from Russia and a Minister from Prussia residing at Rome, while Russia and Prussia refused to receive an ecclesiastic as representative of Rome at St.

Petersburg and Berlin. The Pope acquiesced in their refusal so far as this, that he abstained from sending a Minister either to St. Petersburg or Berlin; but he received a Russian and Prussian Minister at Rome. Therefore I hold that the Court of Rome was not justified in objecting to receive a British Minister merely because the British Government were restrained by law in the same way as the Russian and Prussian Governments were restrained by the decisions of their respective Sovereigns from receiving an ecclesiastic as the representative of the Pope here. But I do not understand that an absolute refusal to receive a British Minister was made by the Roman Government. What has been stated by the Roman Government is this—that in consequence of the passing of this law they would not receive a permanent mission, but they did not consider that the clause would prevent them from receiving a temporary mission; and if a temporary mission were sent from time to time as circumstances required, it is plain that a repetition of temporary missions would answer all the practical purposes that might be aimed at by a permanent mission; and I imagine there is nothing to prevent Her Majesty's Government from ordering Her Majesty's Minister at Florence to go on a tempory mission to Rome, to settle any question that may arise between the two Governments. I thought it right to enter into this explanation, because I know that misapprehensions are entertained with regard to the effect of this clause, and that there is a prevalent notion abroad that the Court of Rome have refused to enter into diplomatic relations with us; whereas the fact is that they would not, as at present advised, receive a permanent mission, but they would have no objection to receive a temporary mission from the British Government.

LORD DUDLEY STUART said, that the correspondence for which he had asked was the correspondence which had taken place in the case of Mr. Mather, and not that in the case of Mr. Murray. As the diplomatic correspondence in the case of Mr. Murray had not yet terminated, he did not mean to ask for it at the present stage; but it was otherwise with the correspondence relating to Mr. Mather; and, as the noble Lord seemed to desire that he should give him previous intimation of such Motions, he begged now to give notice that on Thursday next he should move for the production of that correspondence.

Subject dropped.

MILITARY INTERFERENCE IN THE ELECTION AT ENNISKILLEN.

MR. SHARMAN CRAWFORD said, he wished to call the attention of the noble Lord the Chief Secretary for Ireland to a most important subject, namely, the interference by a military officer with the votes for a Member of Parliament. A statement had appeared in the public press to which his attention was directed, and which had since been corroborated by private letters. It was stated in the *Belfast Northern Whig*, on the 19th of May last, that General Thomas, the military inspector at Enniskillen, and other military officers there, attempted to exercise an undue influence over the vote of Sergeant M'Kinley, a pensioner, and an elector of the said borough. This was a matter of great importance, involving as it did the liberty of the subject, and the freedom of election. There was nothing which the people of this country were more jealous of, or ought to be more adverse to, than the interference of military officers in influencing votes for Members of Parliament; and that was what General Thomas was charged with having done. He (Mr. S. Crawford) would not say that the charge was correct; but he wished to call the attention of the noble Lord the Secretary for Ireland to the statements which had appeared in the public papers on the subject. [The hon. Member then proceeded to read an extract from the *Belfast Northern Whig*, to the effect that at the late election for Enniskillen General Thomas asked several of the local pensioners to vote for Mr. Whiteside, and on being told that Sergeant M'Kinley was the only one of them who had a vote, he repeated the request to him; but the Sergeant declined to give him any promise that he would comply with his solicitation; the consequence was that the General shook his fist in the Sergeant's face, and told him that he was a degradation to the body which he belonged. It was likewise alleged that Colonel Code and Captain Beaufoy attempted to influence his vote.] It was of the highest importance that charges of this nature, brought forward against officers holding such high rank, should be inquired into. If such practices were permitted, there was an end of freedom of election. He wished to know whether any information had been received by the Government on the subject. It was most important that the Government, which he hoped had not sanctioned such a proceeding, should repudiate any attempt of that kind to influence an election, especially by a military officer. He (Mr. S. Crawford) thought that he was only doing his duty in bringing the facts under the notice of the Government and of the House—in order that they might be contradicted if they were not true.

Lord NAAS thought he had some reason to complain of the course which had been taken by the hon. Gentleman in the present case. He had in the first instance given notice of his intention to bring the matter before the House in the form of a question; and then, having allowed the proper opportunity to pass, he had suddenly brought it forward at the present moment; and, upon the mere authority of an anonymous letter in a newspaper, had thought fit to make a statement seriously affecting the character of an officer who bore perhaps as high a reputation as any gentleman in Her Majesty's service. The hon. Member had not even given him time to communicate with the gallant General to whom he had alluded. Of course, under these circumstances, he (Lord Naas) could only say that he knew nothing whatever of the transaction; but, from his knowledge of the gallant General, he believed him to be a gentleman who would never be found committing an act derogatory to his character as an officer in the Army; and that, if the subject was not brought under the notice of the Government in a manner more authoritative than it had yet been, he should not feel it to be his duty to take any more notice of it.

Colonel RAWDON said, he was quite satisfied that no military officer, and especially one of the high character of General Thomas, could be guilty of the indiscretion of which he had been accused; but at the same time, as the accusation had been made, he hoped the right hon. Secretary at War would give the House an assurance that it would not be allowed to escape without some inquiry.

Mr. SHARMAN CRAWFORD begged to observe, that he had a private letter in his possession corroborating the statement he had made.

Lord NAAS said, that all the hon. Member had read to the House as the foundation of the statement was the anonymous letter in the newspaper.

Mr. BERESFORD said, that if he had any good reason to believe that there had been an improper interference on the part of the military authorities with the votes of the pensioners, he should certainly be desirous to make a strict inquiry into the charge; but he did not conceive that either an anonymous paragraph in a newspaper, or a private communication, where the name of the writer was not given, could be regarded as sufficient to justify him in impeaching the reputation of an officer who had served his country faithfully both in the field and at home. He (Mr. Beresford) was satisfied, from all he knew of General Thomas, that the charge could not be true.

Sir HARRY VERNEY was astonished to hear the noble Lord and the right hon. Gentleman say that they would take no notice of an accusation of this sort. To him it appeared that an investigation was inevitable. He felt convinced that a satisfactory reply could be given, but the case could not be allowed to rest where it was; it was assuredly the duty of the Government to inquire into it.

The CHANCELLOR of the EXCHEQUER said, he agreed both with the noble Lord the Secretary for Ireland and the right hon. Gentleman the Secretary at War in thinking that it was not the duty of the Government to inquire into accusations founded upon anonymous communications; and he would go further and say, that he did not think it was the duty of a Member of Parliament to prefer such charges. He (the Chancellor of the Exchequer) remembered the gallant officer very well when he was a Member of that House, and he must say he did not believe that he could have been guilty of the conduct imputed to him. But, at the same time, if the charge against General Thomas were brought before them in any authentic manner whatever, and if they thought the evidence of a proper character, the Government would of course feel it to be their duty to order an investigation into the circumstances of the case; but he repeated that he did not think it the duty of the Government, and he hoped no Government would ever think it their duty, to investigate charges which were made solely upon anonymous communications. The private letter to which the hon. Member had referred, was a mere copy of what had appeared in the newspaper.

Sir FRANCIS BARING said, he did not quite agree with the right hon. Gentleman with regard to the duty of Government, and perhaps he could not give a better example of what he considered to be their duty in such circumstances than the practice of the late Duke of York. He well remembered that Sir Robert Peel, in his speech on the death of that Prince, stated that when at the head of the Army he made it his regular practice to inquire into every complaint that he received against an officer, whether anonymous or not. He also believed that it was the practice of the heads of all the Government departments, when they saw even an anonymous paragraph in a newspaper imputing charges against any party under their authority, to institute an immediate inquiry as to whether the charges were true or not. He begged, however, that it might not be supposed for a moment that he desired to throw any imputation on the character of the gallant officer in question. On the contrary, he could not credit that he had done anything unworthy of his character. But when he heard an hon. Member ask whether it was true that a gallant officer had improperly interfered in an election, he must say he did not think it was a satisfactory answer to tell him that the Government did not think it worth their while to inquire into the allegation, because it rested on an anonymous communication.

MR. HUME said, he thought the question of much more importance than the right hon. Chancellor of the Exchequer seemed to think. He quite agreed with that right hon. Gentleman that no Member should bring forward questions upon mere anonymous authority. He (Mr. Hume) candidly admitted that he had brought forward many questions which had originated in anonymous communications, but he had never brought them forward until he had previously satisfied himself that the charges rested upon the authority of persons deserving of credit, and then he brought them forward upon his own responsibility. And this was what his hon. Friend (Mr. S. Crawford) had done in the present instance. He understood that his hon. Friend, finding the charges in an anonymous article in a newspaper, had communicated with the writer of the article, and, having confidence in his reply, had thought it his duty to bring the matter before the House. He hoped the Government would see it to be their duty either to make an inquiry, or at all events to take care to prevent any such abuse in future.

Subject dropped.

Motion, "That the House at its rising do adjourn to Thursday next," *agreed to.*

MAYNOOTH COLLEGE—ADJOURNED DEBATE.

MR. HINDLEY said, that as the subject had already been debated for nearly two hours upon the last Motion, it might now be convenient to the House to move that the Order of the Day, No. 28, be read for the purpose of being postponed to Friday next; and he would, therefore, move accordingly.

Adjourned Debate [11th May] *further adjourned* till *Friday* next, at Twelve o'clock.

EDUCATION FOR THE DIPLOMATIC SERVICE.

On Order for going into Committee of Supply,

MR. EWART wished to call the attention of the House to the expediency of instituting examinations as a test of the competency of candidates for situations in the Diplomatic Service. He believed that the general nature of the education given to youth in this country was not such as to fit them for the Diplomatic Service. Most of the young men who obtained situations of a diplomatic character were much better versed in Greek iambics and hexameters than in the works of Grotius, Puffendorf, and Vattel. He thought that the change which was coming over the Universities should be introduced into the diplomatic career, and examinations be introduced in order to enable the candidates for such offices better to fill the situations to which they were appointed. Questions of international law and of treaties would soon be more generally taught in our Universities than they ever were before; modern languages, too, were making great progress. It was because he saw the necessity of extending diplomatic education, that he invited attention to this subject, and because he thought that the improvement would be very considerably strengthened by the improvement of our public schools, and the improvement in the education given at the Inns of Court. The latter especially would add greatly to the knowledge of international law. There were many reasons why at this particular time an attempt should be made to institute examinations for diplomatic candidates. The subjects he would suggest for examination would be modern history, modern treaties, and the general rules of international law. It might be said that it would be absurd to subject persons appointed as ambassadors to an examination of this kind; and so it might; but why should not *Chargés d'Affaires* and paid and unpaid *attachés* be subjected to it? As regarded their knowledge of modern languages, he had found, from his own experience in foreign countries where he had encountered the English diplomatic subordinates, that they were not so well versed in foreign languages as generally were the foreigners similarly situated and employed in this country. The system of examinations had extended into every department of the public service, including the Navy and Army, and he could see no reason why it should not be extended with equal benefit to the diplomatic service. He was fortified in his opinion that the system of examination, which had been very properly and very generally extended, ought now to be applied as he recommended, by the fact that the noble Lord the Member for Tiverton (Viscount Palmerston), did, whilst in office, begin to establish a system of the kind, and did assure him (Mr. Ewart), in answer to public questions, that he (Viscount Palmerston) was paying anxious attention to the subject; and hoped to accomplish the object he had in view. That noble Lord had left office without accomplishing this object; but he (Mr. Ewart) hoped it was one that any Government might equally be expected to pursue; and he saw no reason for supposing that there was anything in the character of Her Majesty's present Government to hinder their acceding to his proposition. Possibly steps of the kind had been already taken?

The CHANCELLOR OF THE EXCHEQUER willingly admitted the importance of the subject which the hon. Member had brought under the attention of the House. Although no precise form of examination was established for the diplomatic service, it would be an error to suppose that it was exempted from the tendency of the age to improved education and mental cultivation, the influence of which was felt in all other departments of the public service. For a considerable period arrangements had existed, and were in operation, with respect to appointments to diplomatic offices, the whole subject of which was to improve the diplomatic service of the country, and to give it the character of a profession. The efforts of the noble Lord the Member for Tiverton in this direction merited the highest commendation. It was also due to the Earl of Aberdeen to state, that when he held the seals of office, he sedulously occupied himself to effect the same object. It was the noble Earl's conviction that it was our duty to make the diplomatic service a profession. To carry that object into complete effect, a formal education would, of course, be necessary. To a certain degree the principle had been developed. Attached to the Universities were classes for the study of the Oriental languages, and those of the students who had distinguished themselves by their proficiency were appointed to offices connected with our Eastern Embassies. The present Government had had but little opportunity yet of directing their attention to all the points connected with the subject; but there existed every disposition on their parts still further to develop the principle laid down by their predecessors. Having said this much, he would take the liberty of reminding the House that the experience of momentous years had proved the diplomacy of England to be inferior to no other branch of the public service. In confirmation of that statement, it was necessary to refer merely to the great events in which the noble Lord the Member of Tiverton distinguished himself in the years 1839 and 1840, and which were commonly spoken of as the settlement of the East. Those events afforded evidence that the British Government was able to obtain the most accurate information under very trying circumstances. It was mainly owing to the admirable information and dexterity of our diplomatic service at that time that our then Foreign Minister—who, however, was quite equal to the occasion—was enabled to avail himself of circumstances and to bring the business to a successful issue. More recently, again, during the events which convulsed Europe from 1848 to 1851, our diplomatic service defied the competition of the diplomacy of all other countries, if, indeed, it did not excel them all. He did not recall these matters to the recollection of the House by way of answer to the hon. Member's reasoning; on the contrary, he concurred in the hon. Member's views. There was no reason why our diplomatic service should not be an educated service, and subjected to the influence of the spirit of improvement which governed the whole conduct of the nation, and influenced every department of the State. All he desired was, that the House and the public should not run away with the idea that, in consequence of the want of a formal education for the diplomatic service, the country was not ably served. The country was most ably served. No diplomacy had accomplished greater results, saved more of the public money, or contributed more to the national honour.

LIGHT DUES.

MR. HUME said, he wished to direct the attention of the House to the Light Dues levied on the commercial shipping, and especially to the correspondence between the United States Minister and Viscount Palmerston, laid before Parliament on the 13th day of February, 1851. It was a duty they owed to those concerned in the navigation of this country to find from them what they were really going to carry out for this interest. He, for one, had always advocated the abolition of the Navigation Laws, as he considered them injurious; but he must state that he had urged their repeal on the distinct understanding that we were bound to relieve the shipowners of this country from all the charges and everything that prevented their free competition; and he regarded the Light Dues levied along the coast upon British shipping as one of the greatest impediments to the development of our trade. Some of these lighthouses were the property of private individuals, and it was proved before a Select Committee upon the subject that the owner of the Winterton lighthouse had pocketed 20,000*l.* a year by an impost of 1*d.* per ton upon every vessel that passed. He assured the House that this was a heavy burden upon the shipowners of the country, now that they had to compete with railways for the coasting trade, and mentioned that from 1834 to 1845 no less than five per cent had been levied in Light Dues upon the whole freight of their ships. The example set us by the United States in this respect was worthy of attention, for whilst our vessels entered the American ports free of charge, an American vessel had here to pay 60*l.* before she could enter the port of Liverpool. The charge altogether here for lighthouses was near 300,000*l.* If the lighthouses of Scotland, England, and Ireland, instead of being under three separate Boards, managed at great expense, were placed on a proper footing, and properly administered, the whole expense might be so lessened as not to amount to above 80,000*l.* Such was the state of things here. In the United States, where there were triple the number of lighthouses, it did not cost the shipping either of England or of the United States one farthing. Surely it was of vast political importance to remove all ground of dispute between this country and that. If the Light Dues were continued, the Navy of England ought to pay them as well as the mercantile marine. Nationally, politically, and socially viewed, this question yielded in importance to none other. He begged to say that he had not been prompted to bring this matter under the consideration of the House by any personal interest; he had not now, nor ever had in his life, a farthing of his money invested in the shipping interest. He had brought this subject forward with the view of relieving the burdens of our commercial navy, which we should regard as the nursery of the Royal Navy. He had no intention of concluding with any Motion, his object being to make an appeal to the Members of the present Government, who had so long professed to be friends of the shipping interest. They would really show themselves to be so should they accord with his views, and they might rest assured that they would receive the cordial support of that (the Opposition) side of the House in any efforts they might make for the removal of the grievance complained of.

MR. DUNCAN hoped the fact of his having been a Member of the Committee that sat upon this subject in 1845 would be his apology for venturing to express his opinions in regard to it. From what fell from the right hon. President of the Board of Trade at the last deputation to him on this subject, he (Mr. Duncan) had no hesitation in saying that there was great anxiety on the part of the Government to take off, where practicable, the unjust burdens under which the shipping interest laboured. It appeared from the evidence which had been laid before the Committee of 1845, that the expense of keeping up only 105 lights, amounted to 74,832*l.* per annum. In the year 1842, the mercantile navy paid 225,875*l.* for the maintenance of lights. With the view of showing the excessive burden which the lighting system entailed upon our commercial navy, he might mention some facts touching the experience of two Scottish companies. The manager of the Dundee Trading Company stated before the Committee of 1845, that the percentage of the Light Dues attachable to the net profits divided among the proprietors of stock, amounted to no less than 63-3-10ths. The amount paid for Light Dues by that company alone, in respect of voyages between Dundee and London, amounted in one year to 2,056*l.* Again, the manager of a similar body (the Aberdeen Company) stated that the percentage for Light Dues amounted to 51 per cent on the profits. His hon. Friend the Member for Montrose (Mr. Hume) had pointed out the severe competition to which the coasting trade had been subjected by railways, which had not to bear the burden of Light Dues. He (Mr. Duncan) believed it was a notorious fact that many of the coasting companies, at this moment, were losing, instead of driving a profitable trade, in consequence of the Light Dues. Only a very short time ago, the shipowners of the borough he had the honour to represent met on this subject, and it was stated at that meeting that there was not a single individual among them that had received a farthing from the coasting trade for several years back. He believed a tonnage duty ranging from 6*d.* to 1*s.* 6*d.* would more than meet the expense of the lights. He thought, then, it was evident that the mercantile navy was subjected to a burden from which it ought to be relieved. He voted for the abrogation of the Navigation Laws, in the hope that every restriction would be removed from the shipping interest. If our shippers were permitted to have a "fair field, and no favour," he had no fear that they would be able to compete with any country in the world.

Mr. FORSTER said, if the Government were not prepared to take off all the burdens of which the shipping interest complained, they might at least distribute them in a more equitable manner. Now that the shipowners' friends were in power, the shipping interest might surely expect relief in the matter of Lights at all events, because Light Dues were a burden which everybody admitted to be unreasonable and unjust. His hon. Friend the Member for Dundee (Mr. Duncan) had mentioned two cases of peculiar hardship; and he (Mr. Forster) would take the liberty of calling the attention of the House to a similar case. The Dublin Steam Navigation Company stated to the Committee of 1845, that they paid as much in lights as would keep the whole of the lights between Dublin and Liverpool. [Mr. Hume: There are eighteen lights.] The Company paid in respect of these lights from 5,000*l.* to 6,000*l.* a year; in fact, they assured the Committee that they would undertake to maintain the whole of the lights for that sum. Now, he contended that it was the duty of every country to light up its own shore. Humanity and public policy required that that should be done. The public might object, on the score of taxation, to pay for lighting directly, but they, nevertheless, did, in the end, in a roundabout way, pay for it. There was a large amount of the Light Dues which it would be as just to call upon tailors or shoemakers as shipowners to pay. A large amount paid for jobs in buying up private Lights had been improperly charged on the shipowners. Not only had the shipowners reason to complain that burdens were imposed upon them, great part of which ought to be borne by the rest of the public; but they justly complained that the money that was levied from them in respect of lighting, was expended in a most extravagant manner. The shipping interest had long complained of this unjust burden, and the time had surely arrived when some step should be taken towards doing them justice. There were other burdens from which they ought to be relieved, but this, above all others, ought to be immediately removed.

Mr. HENLEY said, the subject which the hon. Member for Montrose (Mr. Hume) had brought under the notice of the House, was certainly one of very grave importance. He supposed after what had just been stated, that the House would not now hear so frequently as they had heretofore from hon. Gentlemen on the other side of the House that the shipping interest was not in a depressed state. Two hon. Gentlemen, who were intimately connected with the shipping interest had each informed the House, that it was at present undergoing a hard struggle. But the House had hitherto been accustomed to hear statements made for the purpose of proving that that interest was in a very flourishing condition. Such statements, he thought, would not be made in that House hereafter with quite so much confidence—at all events, in the presence of those hon. Gentlemen who had done their best to remove this burden from the shipping interest. But he must say that he was somewhat surprised at the tone and manner in which this appeal had been made to the present Government, whom hon. Gentlemen opposite had styled the friends of the shipping interest. He thought the present Government might, with some justice, ask whence it came that an appeal of this sort was not made to the late Government—[Mr. Hume said, the late Government had been appealed to]—when it was known that there was a surplus in the Exchequer, and the dues could have been removed without laying a fresh tax on the community? The hon. Member for Berwick (Mr. Forster) had said that if this burden was not altogether removed by the

Government, they ought at least to modify it, so as to make the shipowners bear no more than an equitable share of it. Now that was a proposition very general and very difficult to be dealt with; for who would say what was equity? It had been debated whether turnpike roads ought to be sustained out of the general funds of the State, or be paid for by those who used them—whether payments for their maintenance every time they were traversed, or only once a day. And similar was this question of Lights. It might be very well debated whether a steam vessel that might pass by the Lights more frequently than a sailing vessel, ought not to be charged more than the latter vessel. These considerations would show that the question was not so easy of settlement as hon. Gentlemen had represented. Hon. Gentlemen who had spoken seemed to be rather chary of taking off all the taxes; but he confessed that, so far as he had an opportunity of communicating with the shipowners, they appeared to him to be desirous of getting rid of them altogether. He did not think that they would feel very grateful for a mere shifting of the burden from one shoulder to the other. The hon. Gentleman opposite (Mr. Hume) had stated that the sum annually paid by the shipping interest for lighting was about 300,000*l.* He did not know whether that included the expenses of buoys and all the other incidental expenses. Be the sum what it might, there was no doubt that a large sum was annually paid, and would be for some time longer, for the purchase of private lights. The hon. Gentleman had alluded a great deal to the expenditure of America in this respect; but the hon. Member forgot to state that America laid very heavy import duties upon every thing that entered her ports. [MR. HUME: On the goods, but not on the ships.] Well, it does not matter very much whether the burden is laid upon goods or ships; she *recoups* herself very handsomely out of the English pocket for any advantage derived by our ships from the lights along her shores. The hon. Gentleman the Member for Berwick (Mr. Forster), made a rather odd admission, for he said, "why, it is not the shipowner that pays for these lights, but the public, although in a roundabout way." All hon. Gentlemen who had spoken joined in thinking that very great economy would result from the adoption of the present American system of managing lights. The hon. Member for Montrose had stated that a centralised system of management, such as that, would be of great service to this country. Now, with the permission of the House, he (Mr. Henley) should like to read one or two passages from a Report which had lately been issued by the American Secretary to the Treasury, who had been appointed to inquire into the state of the Lights of the United States. The document bore date the 21st of May, 1851, and had been republished on the 4th of February this year. The Report said—

> "The lighting of vessels, the beacons, buoys, and other accessories in the United States, are not so efficient as the interests of commerce, navigation, and humanity demand. They do not compare favourably with similar aids to navigation in Europe, generally, but especially those of France and Great Britain."

But was that all? The Report went on to state that the Light establishments of the United States did not compare favourably, as far as economy was concerned, with those of Great Britain and France. So that here we had a plain avowal from the American Government that their Light system was not so efficient or economical as that of this country or of France. But let the House hear what the American Government stated with regard to other matters connected with this subject. Again, the Report said—

> "There is no good reason why the Light vessels on the coast of the United States should not remain at their moorings under as favourable circumstances as those of England and Ireland do."

And with regard to buoys, the report stated that—

> "They are defective in size, shape, and distinction, and as a general rule sufficient care is not taken by competent persons to moor and replace them."

Now, he presumed that it was a matter of interest to the shipping interest that the Light vessels should remain on their stations in bad weather. Now, when this advantage was added to our more economical and efficient management, he thought there was little reason for asking us to imitate America in the matter of lighting. They went on to say that, in their opinion, the question might be very well managed by boards, similar to such a one as that over which the Duke of Wellington presided. In Scotland lighting had been very well managed by boards, and they believed it would be well to introduce that system into America. Now, he thought it right to bring these facts before the House, without pretending to any very great knowledge of the subject. As this was a subject of very great importance, he had paid considerable attention to it from the first moment that he had entered upon the duties of the office which he had the honour to fill. He was not one of those who thought that the shipping interest of this country was in a state of prosperity. He was not one of those who had contributed to bring that interest to its present unhappy condition. He believed that that interest had yet to go through a very severe struggle; and it would be the duty of that House to relieve them from any unjust burdens under which they might be labouring. There was one most important point, to which the hon. Member for Montrose had given the go-by—he meant the manning of our commercial navy. That was a matter which pressed with great severity upon the shipping interest, and, therefore, when all these burdens were talked about, it was necessary that it should not be thrown aside. Had he not been acquainted with these matters before entering office, it was impossible, in the short period that he had been connected with the Government, to have known much about them; and all he could say was, that it would be his anxious desire to pay every attention to the subject. If he could, by what was called a more equal arrangement of these duties, succeed in placing them in a different category to that in which they were now placed; if any relief could be given without doing greater injustice than in another, no efforts of his should be wanting to bring about such a result; but the prayer of the shipping interest was to be relieved from the burden altogether, by placing the tax upon the whole community, on account of the alteration of the law which had taken place within the last two or three years.

Mr. LABOUCHERE said, he had to express his regret that he had not been present at the commencement of the discussion. With respect to the representations which had been made to him on the part of the shipowners when he held office as President of the Board of Trade, he begged to explain that what he had said was, that if they were satisfied with a commutation of the present amount levied on shipping into a similar amount raised by a tonnage duty, he should be prepared to give a favourable consideration to any such proposition, on this understanding, that the question of the reduction of these dues should not form part of that scheme, that it should be a plan confined to a commutation, postponing the question of reduction to another opportunity. The question of the reduction and arrangement of these dues was one of the greatest importance to the shipping interest; but it was a question beset with difficulties, and at that period of the Session when the application was made, he did not feel warranted in holding out any hope in dealing with it. At first he thought it was the desire of the parties that some such scheme should be carried into effect; but it turned out that the real object of the parties was the reduction rather than the commutation of the burden, and under these circumstances he felt himself relieved from the pledge he had given. Hon. Gentlemen were apt to forget how much practical reduction in Light Dues had taken place since the repeal of the Navigation Laws. On that part of British shipping which had to compete with the railways, and which was not affected by the Navigation Laws—he meant the coasting trade—the reductions in Light Dues within the last few years had amounted to three-fourths, so that they paid only one-fourth of what they formerly paid. The reduction on the foreign trade was not so considerable, but yet it was not altogether unimportant. He was unwilling to be drawn into a discussion with the right hon. Gentleman the President of the Board of Trade as to the effects which had attended the repeal of the Navigation Laws; but, after what the right hon. Gentleman had said, he could not help stating that if there were any serious doubts in regard to that measure, those doubts ought to be removed, for he believed it could be demonstrated that, if that alteration of the Navigation Laws had not taken place when it did, the shipping interest would have been in a state to occasion great alarm. The great carrying trade of the world would have been transferred to America; because the United States were offering terms of reciprocity and equality with all the nations of the world. Gentlemen argued as if this were a question of free choice, as if we could have preserved that system of monopoly which previously existed. We had no such option. If we had shut out other nations from our carrying trade, they would have shut us out from them, and he would venture to say that at this moment, but for that change, the Board of Trade would have been crowded by merchants engaged in the carrying trade with Prussia, Russia, and other countries, imploring Government to adopt that course of liberal policy which would alone save them from annihilation.

With regard to the effect of the alteration in the Navigation Laws, he appealed to a fact never contradicted, namely, the busy state of the building yards. In the great building yards on the Clyde and the Thames, at Liverpool and other ports, wherever they went, they would find not only more ships building, but better ships. Ships from the Thames contended with American clippers. An extraordinary stimulus had been given to shipbuilding, and given to it in respect of the quality of the ships now launched. Those were the effects of competition; and, when he looked to the ships launched and on the stocks, he could not believe that the shipbuilders and shipowners of this country so little understood their own business as to embark their capital and energies in a business of this kind unless they believed it was likely to yield a profit. He lamented the partial suffering incident to a state of transition; but the progress of the country would not be stopped on that account. It was impossible to look at the condition of the merchant shipping and not see that it was not in a state to occasion alarm for that great interest; but it was his firm belief that the House in altering the Navigation Laws, had pursued a wise policy—not merely for the interests of this country, but for the special interest of the shipping.

MR. MACGREGOR said, he had come to the conclusion that the Light Dues should be paid out of the Consolidated Fund. The country owed much to the right hon. Gentleman who had just spoken for what he had done for the coasting trade. As regarded the modification of the Navigation Laws, he (Mr. Macgregor) wished they had been repealed altogether. Never were good ships so much in demand as at present. As a member of a deputation he had met the right hon. Secretary for the Colonies, who received them with the greatest courtesy. It appeared that there was a great demand for the Colonies. He hoped the remaining restrictions of the Navigation Laws would be removed, and shipowners left to man their vessels as they best could.

POSTAL SERVICE BETWEEN INDIA AND CHINA.

VISCOUNT JOCELYN rose to call the attention of the House to the tenders which were accepted from the Peninsular and Oriental Company on the 27th February, for the performance of the postal service between England, India, and China. He believed the matter which he had to bring under the consideration of the House was one of some importance. With respect to the large grants of money which were annually voted for the postal service between this and foreign countries, he doubted whether Parliament was justified in making those grants, interfering as they did directly with the shipping interest of this country, and tending wholly to prevent that wholesome competition by which alone full security could be given to the public in the matter of that communication. No less a sum than 800,000*l.* was annually voted by Parliament for that object, and he thought the public had a right to ask whether they received an equivalent for that large grant of public money. Taking, for instance, the Royal Mail Steam Packet Company, he found for that service that no less than 270,000*l.* was annually voted by Parliament. He stated it on the highest commercial authorities in the city of London, that in nine times out of ten duplicates of commercial correspondence were received six or seven days before the originals, which were carried by another and more circuitous route. He said, in that instance, where the sum of 270,000*l.* was paid for rapid communication, that an equivalent was not furnished to the public by the Royal Mail Steam-packet Company. Again, as to the effects that those large grants of public money had in preventing public competition, he thought that was a matter so patent to all, that it was hardly necessary to adduce any argument in support of it. But if he might be allowed to cite an instance, perhaps he might take the case of a company against whom not a single word had ever been raised, and which had rendered most eminent services to the public—he meant the Cunard Company, by which the service was carried on between England and North America. That line had been subjected to competition; and for the purpose of maintaining that competition a large grant of public money had been voted by Congress. He wished, however, to draw a broad distinction between the grants of public money which Parliament was justified in giving in order to maintain a system of steam communication between this country and the colonies—which it was so important to bind by a rapid communication with the mother country—and those grants of public money to which he had just referred. For his own part, he could not but think that it was a matter for Parliament to consider at a future time whether or not they were prepared to continue that system upon which they were called to expend so large a portion of the public money, or to come to some new arrangement in the matter. He thought the suggestion of Lord Auckland would have had a beneficial result, if carried into practice. That suggestion was to levy a steam postage. If that steam postage was levied, the public who benefited by that postage would have been called on to find the money, and not the public in general, who did not receive any advantage from it. Now, in regard to the immediate question of which he had given notice, namely, the postal service between this country and India and China, he thought the House would agree with him that, although a Government was not bound to act on the Report of a Committee; yet, when a Committee had had under its consideration facts which proved to them that the public were materially inconvenienced owing to the interference of Government in any matter, a Government was bound to pay some consideration to the Report of that Committee, more especially if that report was unanimously agreed to. He did not think that attention had been paid to the Report of a Committee which sat on this subject, and that was one ground why he asked for a public explanation. There was another ground on which he asked for explanation, namely, that if a Government put forward a document inviting tenders in a matter so important at this, he thought they were bound in justice to the public and the authorities to see that the proposal of each party tendering was impartially and fairly considered, and that no unfair bias was shown to one party more than another, otherwise doubts and suspicions would arise in the public mind as to the way in which those tenders had been dealt with. He submitted also that when a document had been laid on the table of the House, purporting to show the proposals of each company, that it should fairly and clearly state those proposals. There was another reason why he asked for explanation, and that was, that tenders of that description should not be decided in haste, but with due consideration, and certainly not by a defunct Government at the moment of its leaving office. Those were the main grounds on which he asked for explanation. The House was, no doubt, aware that the mail service with India had been mainly performed for the last six years by the Peninsular and Oriental Steam Company. For the India and China service that company received a sum of 280,000*l.* odd. The contract for that service expired in 1852. In the course of the last few years, various reports had reached this country in regard to the evil effects of that monopoly on the public. It was stated that the company had not taken advantage of those improvements in steam communication which they ought to have done, and that great difficulties were thrown in the way of passengers taking advantage of other lines; and various other charges were made in regard to the mode in which that service was conducted. At that time he had thought it his duty to ask Parliament to appoint a Committee to inquire into the question of steam communication with some of our colonies; and he thought himself justified in asking that the Committee should go into the question whether any and what improvements should be made in the future steam communication with India, China, and England. The Committee was appointed, and there were included in it three Members of Sir Robert Peel's Government, three of the late, and two of the present Government. The Committee entered into the whole question of steam communication to Australia and various parts of the world; and the second part of their report had a direct reference to steam communication with Australia, India, and China. They had evidence before them in making that report, that the statement of the inconveniences which the public had suffered on that line had not been materially overstated. They had likewise addresses before them from the Chambers of Commerce of Manchester, Liverpool, and other large towns, praying that in their recommendations to Parliament as to what should be done in reference to a new contract, they should advise that, whatever party had the contract, they should be tied down by stringent rules in respect to speed, the comfort of the passengers, and other matters of that kind. They had likewise evidence before them that in the course of the last few years our trade and commerce had increased rapidly on that line, and, taking those matters into their consideration, they thought that, whilst it had been proved before them that great inconvenience had accrued to the public, though they were not justified in proposing that the Government should interfere with any stringent rules in reference to their interior relations, yet that they were bound to see that no undue means were used to prevent competition. They stated—

"Whilst your Committee think that it is but fair to acknowledge the enterprising spirit which has been displayed by the Peninsular and Oriental Steam Company, in the general management of the communication which they have now conducted for some years, they are of opinion that the English and the Indian public have at times experienced considerable inconvenience; and it is certain also, that until the agitation of the question connected with the renewal of the contract brought the matter more prominently before the public, the Peninsular and Oriental Steam Company had done little towards introducing into their line those great and important improvements, as regards speed, which have of late years taken place in ocean steam navigation; of late, however, some of these vessels have undergone considerable improvement, and have been rendered competent to maintain a speed much in excess of the contract rate."

They further stated—

"It has been suggested to your Committee, that in order to secure to the public the advantages of these communications, stringent rules should be laid down in any new engagement that may be entered into between the Government and the companies undertaking the service, and that rates of speed and fares should be fixed. Your Committee concur in these suggestions so far as regards the size of the vessels and the speed required, and they are of opinion that the penalties for failure in speed should be such as might be rigidly enforced when such failure cannot be satisfactorily accounted for; but they do not believe that there is any mode by which the full advantage of the communication can be secured to the passengers and traffic of India by the interference of Government in the internal arrangement and management of the affairs of a private company. The only mode in which this can be secured to the public is by the establishment of a wholesome competition."

Those were the views unanimously expressed by the Committee, which included among its members the late Chancellor of the Exchequer, and two other members of that Government. They had also before them the proposition of a fortnightly communication. They had before them, too, evidence that before any parties could be prepared to enter into a new arrangement, eighteen months' notice would be required. What took place? Four months after that Committee made their Report, tenders were invited by the Government. They divided the route into five different lines; but it was to the India and China line principally that he wished to draw the attention of the House. The tenders were returnable on the 26th of February. Two parties tendered—one, the Peninsular and Oriental Company, who tendered for the whole service; and the other, the Eastern Steam Navigation Company, who tendered for the single service, carrying out the views of the Committee so as to admit the principle of competition. Now he thought those two companies had a right to expect that the proposals they were to make for an important service like that should have been fairly stated; that there should have been no bias shown to either; and that all the circumstances connected with them should have been brought under an attention of Parliament? What were the facts? He held in his hand a letter which passed between the Admiralty and the Treasury on the 27th of February, in which a statement was made of the services which each company proposed to perform. That letter was as follows:—

"Admiralty, Feb. 27, 1852.

"Sir—I am commanded by my Lords Commissioners of the Admiralty to state for the information of the Lords Commissioners of Her Majesty's Treasury, that having issued advertisements for tenders for the conveyance of mails every fortnight between England, Calcutta, and Hong Kong, and every alternate month between Singapore and Sydney, and that having so arranged the conditions as to make parties to tender for portions of the service, instead of the whole, if they should prefer it, my Lords have received the following tenders:—1. From the Peninsular and Oriental Company for the whole of the mail services advertised, with the addition of a branch line between Bombay and Point de Galle, not mentioned in the conditions of tender, for the annual sum of 199,600*l.*, which they offer to reduce to 179,600*l.* a year, six months after the completion of the railway across Egypt. 2. One from the Eastern Steam Navigation Company for a line once a month between England and Calcutta and Hong Kong, for the annual sum of 110,000*l.*, to be reduced to 100,000*l.* in the event of Trieste being substituted for Marseilles as the port of embarkation. 3. One from the same company for the branch between Singapore and Sydney, in addition to the line previously mentioned, for the annual sum of 166,000*l.* My Lords, on comparing these tenders, find the first mentioned to be the lowest, since, on reducing the sums tendered to a mileage rate, it appears that the Peninsular and Oriental Company ask about 6*s.* 6*d.* a mile for the service required, without taking into account the additional branch they have volunteered to perform between Bombay and Point de Galle; and the Eastern Steam Navigation Company ask about 8*s.* a mile in their first tender, and about 10*s.* a mile as the average of the service mentioned in their second tender. Both companies undertake to maintain the same average speed, and to commence the Marseilles and Malta branch soon. The Peninsular and Oriental Company can commence the whole of the new service on the 1st of January next, and the Eastern Company twenty-one months after the date of the contract. My Lords do not see any sufficient reason for departing from the usual course of accepting the lowest tender.—I am, &c.

(Signed) "W. A. B. HAMILTON.

"G. Cornewall Lewis, Esq., &c., Treasury."

Now it was stated there that tenders were received from the Peninsular and Oriental Company for the whole of the mail service. That was not the fact. For No. 1, namely, the service of the line from England to Alexandria, they did tender, as also for No. 2, which was a similar one, and No. 3, which was the line from Suez to Point de Galle, and from Point de Galle to Calcutta; but for No. 4, which was a similar line to No. 3, they did not wholly tender. They wholly omitted the direct line from Point de Galle to Singapore; but instead of that they proposed a circuitous route, *viâ* Calcutta; and, more than that, they included in their calculation of mileage the line from Calcutta to Singapore, which was now carried out by the Peninsular and Oriental Company for nothing. He found it was also stated that the Peninsular and Oriental Company proposed the addition of a branch line between Bombay and Point de Galle, which was not mentioned in the letter he had read to the House. Now, what was done with the Eastern Steam Navigation Company? They stated that they proposed for the single service. But there was an extra service of no less than 86,000 miles proposed to be performed by the Eastern Steam Navigation Company, which was never alluded to in that letter. After referring to those circumstances, he thought he was justified in saying that was not a fair statement of the proposed services on the part of the late Government. He saw there were three lines at the end of the paper which it might suit the convenience of the right hon. Gentleman (Sir C. Wood) and other members of the late Government to try to shift on their successors. The letter from the Admiralty to the Treasury, in which those tenders were virtually accepted, was received on the 26th of February by a Government almost out of office, and was accepted by a Government on the 27th February, the day on which they came into office. In a question in which the public interest was so deeply involved, surely it was the duty of the late Government, some of whom had been members of the Committee to which he had referred, to have reflected on the monopoly they were creating, and not to have decided this important question in a few hours. The mode in which the tenders had been accepted had been such as to shake the confidence of the public in the way in which Government transacted business of the kind. He had heard motives attributed to some of the members of the late Government, which he would not for a moment entertain; but he repeated that their conduct had shaken the confidence of the public in them. He had no personal interest either in the one company or the other, but had taken the matter up on public grounds. He had made some inquiries into the position of the Eastern Steam Navigation Company, and had found that it was a chartered company, and that its bond was signed by some of the best names of the city of London, and he believed it was a company which would have done the Government as good service as any other company. He regretted having in any manner delayed the progress of public business by bringing forward the subject, but felt that its importance warranted him in so doing. He would ask the right hon. the Chancellor of the Exchequer, whether, considering the whole circumstances of the case, it was not possible for the present Government to reconsider the question.

The CHANCELLOR OF THE EXCHEQUER: Sir, I feel I have reason to complain of the inconvenience of bringing forward notices of this sort without making any Motion in respect to them. Although by the strict rules of the House, I know I have no right to address it upon this question, I hope that, by its courtesy, I may be permitted to enter into a brief explanation. In regard to the general subject—whether it is expedient or otherwise in the Government to assist a great enterprise of this kind by grants of the public money—although I acknowledge it to be one of the greatest importance, and deserving the best consideration, yet it does not appear to me to be a subject at all necessary for me at this moment to enter upon. I agree with the noble Lord in the great advantages of public competition in the public service. I wish, however, to confine my observations to the particular instance brought by the noble Lord under the notice of the House. Now the present Government is entirely responsible for the arrangement made. If it be unwise, the blame is with them. I will not shrink from the responsibility of that arrangement. It is true that this was the first official act which I was called upon to perform. It is true that I was in office only a few hours when the whole subject was brought under my notice, wholly unshackled by any requirements of my predecessors. To that question I gave my complete and unbiassed decision—that decision which the noble Lord now challenges. The House will permit me to refer to the memorandum which I drew up of the circumstances under which I treated that question. It appeared to me, that in November, 1851, the right hon. Gentleman the Member for Halifax (Sir C. Wood) had made certain propositions to the East India Company. 1. That the line to be established twice a month should be a branch line from Marseilles to Malta, and from thence to Alexandria, to be performed by contract—Her Majesty's ships to be discontinued. 2. That a line should be established from Suez to Point de Galle, and thence to Madras and Calcutta, twice a month, and a second line from Point de Galle to Singapore and Hong Kong, every second month from Singapore to Sidney, and twice a month from Aden to Bombay. 3. These services to be performed by contract with one or more companies, with the exception of the branch from Aden to Bombay, that to be performed by the East India Company. 4. That the payment of the contract service beyond the Isthmus of Suez should be charged upon the revenue of this country and of the East India Company in the same proportions as at present; and, 5thly, that this country should contribute a sum to the East India Company for the performance of the service between Aden and Bombay, calculated according to the nature and difficulty of the service performed. Now the East India Company assented to those propositions on the 8th November, 1815. On the 18th November, the Treasury desired the Admiralty to call for tenders for the performance of these services. That is precisely what has been done. On the 29th of February, 1852, the Admiralty reported upon the subject. On the 27th of February I had the honour of being installed into office, and on the 29th I was, of course, at my post. The tenders received were as follows:—The first was that of the Peninsular and Oriental Steam Navigation Company for the whole of the mail services advertised for, with the addition of a branch line from Bombay to Point de Galle, not mentioned in the conditions of tender, for the sum of 199,600*l.*, to be reduced to 179,600*l.* after the completion of the railway across Egypt. The second was from the Eastern Steam Navigation Company, for conveyance of the mails once a month between Calcutta and Hong-Kong, for 110,000*l.*, to be reduced to 100,000*l.* in the event of Trieste being substituted for Marseilles as the port of embarkation. The third was from the same company, for a branch between Singapore and Sidney, for 166,000*l.* The lowest sum, therefore, demanded by the Eastern Steam Navigation Company, was upon their first contract 100,000*l.*, and upon their second 166,000*l.*, making together 266,000*l.*; while the whole lowest amount of the tender of the Peninsular and Oriental was 179,600*l.*, being a difference between the two of 86,400*l.* I therefore decided upon the tender of the latter company. The Peninsular and Oriental Company's tender was at the rate of 6*s.* 6*d.* a mile, with the additional offer volunteered of performing the line between Bombay and Point de Galle. The Eastern Steam Navigation Company's tender was at the rate of 8*s.* a mile for the first tender, and 10*s.* on the average per mile of the second tender. I had therefore to make my election between the offer of 6*s.* 6*d.* on the one hand, and 8*s.* and 10*s.* on the other. These facts having been put before me, I found that there was this difference between the two tenders, of 86,400*l.* This difference in the rate of mileage was very considerable. I had only one other point to convince myself of—namely, whether the one tender which was the cheapest was likely to prove equally as efficient as the other; and I availed myself of all the information I could command upon the subject. It appeared to me, however unwilling I might be to throw any discredit upon a rival and a young establishment, that the securities for the efficiency of the service offered by the Peninsular and Oriental Company, were considerably preferable to those offered for the service of the dearest company. That is my simple story. I felt that I was called upon to obtain the best service, and I did so at the cheapest rate. I believe that within an hour after I had taken my seat in Downing-street, I received a deputation from the Eastern Steam Navigation Company; and I must say that their case was put before me in a forcible manner. I had also several communications written to me from the same company; and I am sure that there has been no neglect exhibited on the part of those who are entrusted with their affairs to bring the whole circumstances of their case before me. From the most impartial consideration it was in my power to give to the subject, I decided in favour of a service which I believe must eventually prove the most efficient, and at the most economical rate. On the 5th of March the offer of the Peninsular and Oriental Company was accepted. I hope that this statement will exonerate me from any blame in this transaction. I feel that I have made an arrangement which will prove the most serviceable. The service required by the Government is now to be performed by an experienced company in a manner which we think will prove efficient, and which must be universally acknowledged to be at a more economical rate than the rival company. The report of the Committee to which the noble Lord has referred, is no doubt a very able one, and well worthy the attention of the House. But the Government were to be guided by the tenders; and if the Eastern Steam Company did not comply with those tenders, which required an offer for the complete service, while they only offered for a partial service, and fell back upon the recommendations of the Committee as the justification of their conduct, I must say that they have not taken such steps as might have been expected of men of business. The Eastern Steam Navigation Company have no right to complain in the matter, as every anxiety was shown to deal fairly by them. I have entered into these details for the satisfaction of the House, and, therefore, I hope I shall be excused in the matter, as I have done so chiefly to exonerate the right hon. Gentleman (Sir C. Wood) and the Government of which he was a member, from the charges brought against them. When I succeeded to the office of that right hon. Gentleman, I had, of course, confidential communication with him respecting the business of the office he had filled, and in those communications the right hon. Gentleman called my attention to the arrears of that business. And I hope, whenever I quit office, that I shall leave as few arrears after me as that right hon. Gentleman. Among other matters, the right hon. Gentleman called my notice to this question; and it is only justice to the right hon. Gentleman to state, that he did not in any way whatever attempt to bias my opinion upon the subject. Under these circumstances, I proceeded to the settlement of the question quite unshackled in my views, and altogether free from prejudice. I decided it on its merits; and I hope, as I believe, that decision is the best that could be arrived at for the country.

Mr. H. BERKELEY said, that as a Member of the Committee over which the noble Lord (Viscount Jocelyn) presided, he must say that Committee had unanimously decided that the contracts should be thrown open and be given to different lines. If, therefore, a Chancellor of Exchequer was to turn his back on the Report of this Committee, it rendered the labours of Committee null and void. The effect of the decision of the right hon. Gentleman was to bolster up a monopoly at the expense of the public.

Sir CHARLES WOOD said, he was surprised to find in the Report of the Eastern Steam Navigation Company (whose mouthpiece the noble Lord the Member for Lynn had made himself that evening) that he was charged with having cordially concurred in the recommendation of the Committee that the service should be necessarily given to two companies, and afterwards with having turned round and decided against the Eastern Steam Navigation Company. Both these statements were utterly without foundation. The fact mentioned by the right hon. the Chancellor of the Exchequer, of a deputation having waited upon him on the subject, proved that he (Sir C. Wood) had come to no decision on the subject. In addition to this, the Treasury Minute accepting the offer of the Peninsular Company was not dated until a week after he had left office. Every one knew the meaning ordinarily attached to the word "competition;" but the competition which the noble Lord sought for was, that, at whatever price, there should be two companies to carry out the contract. But what an opening that afforded to jobbing and all kinds of unfair practices! Why, if he were to give one portion of the service to one company, and another to another, without any competition for the same, there would be no limit to the favour, monopoly, and jobbing that might result from it. The accusation of the noble Lord was against him personally, that he had given a decision contrary to his own opinion. The ground on which that charge had been made against him was totally without foundation; and, grateful as he was to the noble Lord for having brought this subject forward, and for his courtesy in having apprised him by letter of his intention to do so, he thought that this courtesy would have been better applied, and his justice too, if, before he had made the charge, he had taken the trouble to inquire whether there was any foundation for it. The Admiralty letter, dated the 27th of February was brought to him in the morning; but he declined to decide, as he was going to leave office in a few hours, and wished to leave those who were to succeed him entirely unfettered. The facts of the case were simply these: The Peninsular and Oriental Company offered to perform the five services for 179,600*l.*, whilst the Eastern Steam Company offered to perform three for 266,000*l.* The country gained, therefore, 86,400*l.* by accepting the offer of the latter company. He thought the present Government had decided perfectly right, for the question did not admit of the slightest doubt. If he had been actuated by any unworthy motives, as the noble Lord had insinuated —[Viscount Jocelyn: I never insinuated anything of the kind]—he would not have acted as he had done. The Government were bound, certainly, to take the most advantageous contract; but the lowest was not always the most advantageous. He warned the House against being led away by contracts of the kind referred to. Last year he received no less than seven private applications from the Eastern Steam Navigation Company to enter into the contract with them, but he had refused to entertain them; and he again warned the House not to sanction a course of conduct which would open the door to an amount of jobbing and corruption never before heard of.

Viscount JOCELYN: I wish to call it to the recollection of the House that I distinctly stated I did not attribute any unworthy motives to the right hon. Gentleman.

Mr. COWPER said, he thought it exceedingly unfair to say a company did not tender for the whole of the service, because they made a difference of 73 miles on the whole voyage. The noble Lord was more influenced than he was aware of by the statements of the company which had not gained the contract. It was natural directors should endeavour to throw the blame the shareholders would fix upon them for not making tenders which could be accepted, on other shoulders than their own; but in their report the directors of the Eastern Steam Company had done more than any company was entitled to do, for they had not only misrepresented figures, but had stated what was absolutely untrue. The decision of the Admiralty was shown to be correct, and he was glad that Her Majesty's Government supported the result at which the Treasury and Admiralty of the late Government had after the fullest investigation arrived.

Mr. WILLCOX, being a director of the Peninsular and Oriental Company, declined to enter into the merits of the discussion raised by the noble Lord (Viscount Jocelyn), and would confine himself to two statements. The noble Lord had stated that the Peninsular and Oriental Company did not make a tender for the whole service, including Calcutta and China. If the noble Lord had consulted the papers, he would have found that in the conditions the service to Calcutta and China were included. The noble Lord had also said that the Peninsular and Oriental Company had already a service on that line. That was true; but it was only during the season for the conveyance of opium to China, and transmission of specie to Calcutta, that the vessels ran.

Mr. ROUNDELL PALMER said, that there was one circumstance connected with the tenders for this service, in which the port which he represented was interested. If the tender which had not been successful had been accepted, the Eastern Steam Navigation Company would have landed the mails at Plymouth instead of Southampton. He believed the time had come when the Government ought to take into consideration the claims of Plymouth as a port of departure for the mails. It had natural advantages as great as any port in England for that service, and being the nearest port in the Channel for the arrival of vessels from all parts of the world, there would be a great saving of time if the mails and passengers were discharged there. This difference between Southampton and Plymouth in that respect caused a delay in the delivery of the mails of several days in the northern and western parts of England. He believed the present arrangement would not have continued so long but for the fact of there being no railway communication completed to Plymouth; but that was now effected, and the electric telegraph at work on the whole line, so that in a very short time Plymouth would be enabled to offer superior advantages to Southampton. He would therefore urge on the Government the consideration of the public interests which would be affected by a great saving by the landing of the mails at Plymouth, and the saving of a long Channel voyage to passengers.

Lord STANLEY said, that he did not

rise to speak as a counsel, but as a witness on this question. He was not about to enter into the question of the circumstances alluded to by the right hon. Gentleman opposite (Sir C. Wood), and his right hon. Friend the Chancellor of the Exchequer, with regard to the tenders made, and the contract that had been entered into. He (Lord Stanley) was a member of the Committee that sat on the subject over which the noble Lord (Viscount Jocelyn) had presided most ably and industriously; and if it was possible to apply the principles of competition under the circumstances, he (Lord Stanley) would have been an advocate for it. But when the Government requires tenders to be made, they must be regulated by two principles—either to accept the lowest tender, apart from all other considerations; or to accept that by which it was thought the service would be most efficiently performed, irrespective of its being the lowest tender. He believed that, in adopting either the one or the other of these principles, it was impossible to act otherwise than to accept the tender of the Peninsular and Oriental Company, which was at once the lowest and the best. There was a saving to the public of about twenty-five per cent; and, with regard to the manner in which the service was performed (which was the cause of his rising to address the House), he believed it was as efficiently performed by the Peninsular and Oriental Company as it could be by any other navigation company now existing. He had heard an objection urged, that the rate of speed of the vessels was not as great as that of other companies. The vessels which made the most rapid passages were Cunard's, but they had only about 3,000 miles to perform, and laid in coals only for each voyage; whereas the Peninsular and Oriental Company's vessels on the Asiatic side, came to Suez from Calcutta, and returned with only one loading of coal, and they were also obliged to supply themselves with stores for the double voyage. Of course vessels so loaded could not be as fast as others which were only loaded for a voyage of 3,000 miles. He did not say the arrangements of the company were perfect; but he could say, having been lately a passenger in their vessels, they were much improved, and that their accommodations were good. He still believed that the public interest would be best served by their being no monopoly, but there was nothing to censure in the Peninsular and Oriental Company in their mode of doing their duty, and he thought it would even be desirable that they should take charge of the line now served by the East India Company's navy from Bombay to Aden.

Mr. ELLIOT begged to correct the statement of the noble Lord (Lord Stanley), that the steamers only coaled once for the double voyage from Suez to Calcutta. They coaled also at Point de Galle. It had been said that complaints were made of the Peninsular and Oriental Company; but he was able, from information he had received trom India, and from the position he had held under the Government, to bear testimony to their punctuality, and to state that, in carrying out the long line between this country and India, they deserved the greatest credit.

Lord STANLEY had not stated that the vessels coaled at no other place than Calcutta, but that the steamers from Suez to Calcutta took in the greater portion of their coals for the double voyage.

THE VICARAGE OF FROME—THE REV. MR. BENNETT.

Mr. HORSMAN rose to call the attention of the House to the statement made by the Chancellor of the Exchequer as to the result of the inquiry made of the law officers of the Crown in respect of the institution of Mr. Bennett to the vicarage of Frome. He should detain the House but a very few moments, as he had given notice that on Tuesday, the 8th of June, he should move for a Committee of Inquiry into all the circumstances connected with the nomination of Mr. Bennett to the vicarage of Frome; but he should ask the House in the meanwhile to understand the position in which it stood with regard to the law of the case, of which they had already heard something from the Chancellor of the Exchequer. The right hon. Gentleman said that the Government had intended to undertake the inquiry, but that they had been stopped in the outset by finding that there was a mode of redress under the ordinary law for parties who had any ground of complaint of which the present complainants had not availed themselves; and he therefore came to the conclusion, and invited the House to come to the conclusion, that while there was this mode of redress open, it would be very improper for the Government to institute an inquiry. It was quite evident that if under such circumstances it was improper for the Govern ment, it would be equally improper for the House of Commons to interfere, and therefore the right hon. Gentleman condemned by anticipation the Motion which he (Mr. Horsman) was about to make. The right hon. Gentleman had made this statement when there was no Motion before the House, and when consequently it was impossible for him (Mr. Horsman) to reply to him. Now, he would call the attention of the House to what was really the law of the case, in order that the inquiry for which he was about to move, might not be prejudiced by the right hon. Gentleman's statement of the law. The inquiry which he wished the House to institute was an inquiry into the conduct of the Bishop of Bath and Wells in instituting Mr. Bennett. The sole point of the inquiry, he repeated, was as to the conduct of the Bishop. That inquiry was undertaken by the Government, and then the right hon. Gentleman came down to the House and told them that all the circumstances had been laid before the law advisers of the Crown, and they had found that parties complaining had a mode of redress under the Church Discipline Act. This statement showed that the law advisers of the Crown had answered one point laid before them, but it did not give any answer upon the other point mooted; it showed that there was redress in the case of a clerk offending, but not whether there was redress in the case of a bishop offending. The clerk could be brought before the bishop's court, either in the diocese in which he held preferment, or in that in which the offence was committed. Now supposing there was this mode of address, and supposing this course was taken in the diocese of Bath and Wells, the court would consist of five clergymen nominated by the Bishop, and would be presided over by the Vicar General, the archdeacon, or the rural dean; and the court thus constituted would decide whether there was a *primâ facie* case for inquiry. Then with regard to the court of the Bishop of London, there was a second Clause in the Church Discipline Act, to which the Chancellor of the Exchequer had not referred. If a complaint were made against a clerk, it must be made within two years of the offence; and Mr. Bennett had left the diocese of London more than one year. But Mr. Bennett was not charged with one particular offence; the great point was, that he had been pronounced by his Bishop to be unfaithful; that his conduct through a course of years had given rise to inconvenience and scandal; and that his continuing in his benefice in the diocese of London was prejudicial to the good order of the Church; that the Bishop had therefore called upon him to resign, and had procured his resignation. The parties complaining, therefore, in the first instance, would have to prove as to the particular offence committed; next, that it had been committed within two years; and there was this further difficulty, that in being called upon to resign his living by the Bishop of London, Mr. Bennett had been so far punished for the offences which he was declared to have committed in that diocese. There was a third point, too, connected with the case, for if the offence complained of had been committed abroad, it could not be brought under the Church Discipline Act at all. It was obvious that, even in the case of an offending clergyman, redress under the Church Discipline Act was purely a nominal one. As long as Mr. Bennett was merely a presentee, it was against him that the parishioners were entitled to complain; but as soon as he was instituted, it was the Bishop against whom the complaint must be preferred; and it was against the Bishop of Bath and Wells that the Motion he had made was directed. The right hon. Gentleman had declined to state whether he had ascertained there was an appeal against the Bishop to the Archbishop, or whether there was any court to which an appeal might be carried; and he had declined also to lay upon the table of the House the opinion of the law advisers. He (Mr. Horsman) was prepared for these answers, and between what the Government told them, and what they had left untold, he had ascertained these facts: that if a bishop chose to institute any presentee to a living, whatever might be his religious opinions, even if he openly and notoriously belonged to another Church —if even Dr. Wiseman himself were to go to the Bishop of Bath and Wells, show that he had been duly presented, and sign the usual documents, there was no law under which redress could be obtained, no court in which it could be obtained, and no penalty which could be inflicted upon the Bishop. This he (Mr. Horsman) believed to be the state of the law. With regard to an offending clergyman, there was only a nominal means of redress, and in the case of a bishop there was no law and no court to give any redress whatever. He did not wish to raise any discussion, or even to ask the Attorney General to assent to any statement of the law which he had just made, because his silence would be quite as eloquent as his admissions could be. He made this statement now because many Gentlemen would be extremely unwilling to entertain any inquiry if they thought a redress was open in law to the complainants. The House was now in the same position as it was upon the day he made the Motion. He (Mr. Horsman) should go fully into the facts of the case when he brought forward his Motion on the 8th of June, and had only made the present explanation in order that the position of the case might be fully understood.

The ATTORNEY GENERAL said, that if it had been the intention of the hon. Member to raise no discussion, his best course would have been to abstain from making any observations upon this case. The hon. Gentleman had not confined himself to a mere statement of the law, but had entered into the facts of the case, and had altogether done a great deal to provoke discussion. With regard to the course pursued by the Government, the hon. Gentleman had stated that the Government had promised to inquire into this case, and rather intimated an opinion that they had failed in that pledge. [Mr. Horsman: I did not intend to convey any such impression.] That was, at least, the necessary inference from what the hon. Gentleman had said; but it would be found that there had been no breach of faith on the part of the Government. It was absolutely essential that the Government should ascertain whether there was any possibility of instituting the inquiry promised, and that, of course, entirely depended upon the state of the law. In order to arrive at a knowledge of the law, the opinion of the legal advisers of the Crown was sought, and that opinion was obtained. It was perfectly impossible for the Government to pledge itself to issue a Commission for the purpose of instituting inquiries into this matter, because any such Commission must have entirely failed of its object. A Commission issued by the Crown was almost powerless; it could not compel the attendance of witnessess, or compulsorily obtain any evidence whatever, and therefore it would be futile to issue such a Commission, which must end in a total failure. As to the law, he was ready to admit that, as far as the hon. Gentleman went, he had stated it correctly. If a bishop instituted a clergyman to whom there was an objection on certain points of doctrine or morals, there was no possibility of questioning that institution. The law seemed to have placed confidence in a bishop, who was entrusted with a discretion on the subject; and if he exercised that discretion improperly, he (the Attorney General) was not aware of any mode in which it could be corrected. If the bishop refused institution to a clergyman, the case was different; the latter had a grievance to complain of, and, as had been seen in a recent case, he could appeal against the decision of the bishop, and if that decision was erroneous, it would be overruled. So it was with regard to the institution of Mr. Bennett. His right hon. Friend the Chancellor of the Exchequer was perfectly correct when he stated that, supposing Mr. Bennett should exhibit unsoundness in doctrine, that would be an ecclesiastical offence, for which he would be amenable under the Church Discipline Act, if the offence were committed within two years. It might be taken cognisance of either on the application of a parishioner, followed by the institution of a commission of inquiry (which was a sort of grand jury to see whether there was any ground for prosecuting the charge), or the bishop of the diocese where the party held preferment, or the bishop of the diocese where the offence was committed, might send the case, by letters of request, before the Ecclesiastical Court. The hon. Gentleman was quite correct in stating that if the offence was committed more than two years ago, or out of this country, there were no means by law of calling a clergyman to account. He thought that under these circumstances the House would be of opinion that his right hon. Friend the Chancellor of the Exchequer and the Government had pursued the only course open to them. They promised there should be an inquiry, and before it was possible that they could proceed in the manner suggested, it was necessary to ascertain the state of the law. From the law officers they had ascertained that there was no means of proceeding in the way contemplated, and it was therefore quite impossible for them to advise the issue of a Commission, which would certainly be a complete failure, from the want of a means to compel witnesses to attend and give evidence.

Mr. HORSMAN said, that he had not the slightest intention to reflect upon the Government. He was extremely obliged to the hon. and learned Gentleman for his declaration of the law, from which it was plain that no other tribunal than Parliament could deal with the case.

SIR JOHN YOUNG said, that he did not profess to have a strong opinion, either for or against Mr. Bennett, who was the party accused or prosecuted in this case. Having listened to the interpellations which had taken place that night and on former occasions, he thought that Her Majesty's Government had fully done their duty with respect to this case, and had not failed in any particular that could reasonably be expected from them. What, then, was the grievance complained of in this case? No law had been infringed, but there was a difference of opinion between portions of certain congregations in this country with regard to particular doctrines, and, in fact, with regard to the Articles of the Church. Now, the real question was whether, if a bishop and the constituted authorities in the Church saw no unsoundness in the doctrine entertained by a clergyman, that House should take part with the minority of the congregation, and set itself up as an authority over those who had been heretofore recognised as the authorities in the Church. Now, he thought that upon consideration the House would see that they were not exactly the tribunal to settle these minute and difficult differences of opinion which had arisen, and the existence of which he regretted. He thought they had much better abstain from the attempt; and he believed that the calmness and steadiness with which the Government had viewed this case, and had limited themselves to their proper sphere, would greatly conduce to the correct understanding of the question.

COLONEL KNOX said, the hon. Member for Cockermouth had, on a former occasion, thrown out a sort of taunt that the Government had not fairly inquired into this matter. Now, he wished to know whether the hon. Gentleman had himself inquired into the statements he had made upon several occasions. Several of those statements—though he (Colonel Knox) did not stand there to defend Mr. Bennett—were, to use a mild phrase, perfectly erroneous, and he knew that the hon. Gentleman was in possession of a letter as to those statements which should have led him long ago to retract them. The statements he referred to were in regard to the conduct of Mr. Bennett at Kissengen and at Venice, and they were made on the substance of a letter from Sir J. Harrington; but he (Colonel Knox) could only say that he knew the substance of the letter, and it did not bear out the statements of the hon. Gentleman. Nothing could be more unfair or unfounded than the hon. Gentleman's representation. The hon. Gentleman said, that while Mr. Bennett was at Kissengen he never went to the Protestant church, but always to the Roman Catholic, when it was a notorious fact that that gentleman was labouring under a severe indisposition, and drinking the waters of Kissengen; and, as many hon. Gentlemen knew, those who were in the habit of drinking the waters went at seven o'clock in the morning for the purpose, and the fact of Mr. Bennett being seen walking out at that time was very much relied on by the hon. Gentleman. The substance of the accusation was the letter to which he had referred; and because the writer had neither denied nor affirmed the question put to him, it was taken for granted to be true, and was a contemptible attempt to cry down Mr. Bennett in Frome. Again, the hon. Gentleman said that Mr. Bennett was absent from England for a year: at the time he (Colonel Knox) said "No" to that, because he knew, for a fact, that Mr. Bennett left England on the 14th of June, and returned early in November; and, as to his conduct at Venice, he (Colonel Knox) happened to be in Venice at the time, and he totally denied the allegation of Mr. Bennett's never having entered the Protestant church during the time he was abroad. He could prove the fact that Mr. Bennett attended the Protestant church during the whole time he was in Rome. Mr. Bennett was the pastor of his (Colonel Knox's) parish, and he would not allow those statements to go uncontradicted. The hon. Gentleman had so repeatedly persecuted Mr. Bennett, that he could not allow those statements to go forth without contradiction.

MR. HORSMAN said, that he had never made any statement whatever on the authority of a letter from Sir John Harrington, of which he knew nothing; nor did he know that Mr. Bennett had been at Venice. He said that he had been absent from England during 1851, and not that he had been absent during the whole of that year.

SIR BENJAMIN HALL said, it had been stated that Parliament was not a proper tribunal for the discussion of these questions. He (Sir B. Hall) would therefore ask the hon. Gentleman what was the proper place? The Chancellor of the Exchequer had declared that the Ecclesiastical Court was the proper place; and as the parishioners of Frome had been desired by Her Majesty's Government to resort to that tribunal for redress, he thought it right that the House should know what was the state of that Court in the diocese of Wells, to which these unfortunate people must go. It consisted of a Judge, a registrar, and proctors. Now, the Judge was formerly an officer in the Grenadier Guards. He was a nephew of the late Bishop Law, and after that bishop was appointed he sold his commission, became a clergyman, was appointed to a valuable preferment, was made a prebendary and chancellor of the diocese, and in the latter capacity was Judge of this Ecclesiastical Court, though he no doubt knew no more of ecclesiastical law than the drummer in his hon. and gallant Friend's (Colonel Knox's) regiment. And yet he was put there to decide on those difficult and delicate points which came before Ecclesiastical Courts, and of which no Courts had more. He could not, and never could, perform the duties of his office, but he took his salary and fees; he therefore appointed as deputy Judge one of the minor canons, who performed the duties of the office for the miserable stipend of 20*l.* per annum. The name of this deputy Judge, he would beg the House to recollect, was the Rev. Peter Parfitt, and he begged the House would bear this in mind, as it was necessary to show the chain of events. The next officer of the Court was the registrar. His duties were important. He was bound to place in his Court a table of the fees ordered by the Canons of Canterbury, which were to be taken by the proctors practising in the Court, whose bills of costs he was bound to tax. The registrar was the son of a former Judge of the Court, and the grandson of a former bishop of the diocese; and he was appointed to transact all these duties when he was a child of five years of age, and from that time to the present moment, so far as he (Sir B. Hall) was informed, he had never acted as registrar; but of course he also received his stipend, and he actually—to use the expression which was given in evidence—let his Court out to farm. He received 400*l.* a year, paid quarterly. He appoints a deputy registrar. This deputy registrar is Mr. Edward Parfitt, who, not content with taking the registrar's fees, takes deputy registrar's fees as well; which makes up an income of 815*l.* a year more for himself. Did he hang up a table of fees in the office? Not at all. He never even heard of the Canons of Canterbury, which enjoined them. This was the Court to which the unfortunate parishioners of Frome must go, because they had a complaint against their minister. Being pressed by the Committee, if he compounded with the registrar, he said, "I farm the Bishop's Courts with him. I pay him 400*l.* a year, and that is the truth." It appeared that the deputy registrar practised in twenty-five other Courts, many of which also he farmed. Amongst them was a Decanal Court; and if a suitor entered it and asked for the registrar of that Court, he was introduced to a young lady. She was the daughter of the dean. She was appointed when five years of age. Mr. Parfitt paid her a annuity, and was deputy to this female registrar. So the judge was a sinecurist. The registrar was a sinecurist. The deputy registrar practised as a proctor, his father being the deputy judge, charged fees, and taxed his own costs. He (Sir B. Hall) was bound to tell the House there had been some change since last year. The Judge, who was a nephew of the late bishop, had turned Roman Catholic, and was obliged to give up the judgeship, and the present bishop had appointed his own son to be Judge of the Court. This son lived at Castlerising, in Norfolk, of which parish he was incumbent. The Court was at Wells; he was non-resident, and he probably appointed the same Rev. Peter Parfitt as his deputy, to preside over the Court, when all these difficult questions were to be decided. Was it not a farce, that living in the latter part of the nineteenth century, there should be a tribunal which, he would undertake to say, would be considered a disgrace by any thinking person in any civilised nation? Hon. Gentlemen said, go anywhere, but don't come to Parliament. He said Parliament was the proper tribunal to inquire into the conduct of these dignitaries of the Church who would allow such abuses as these to exist, and he trusted what he had said here might be dwelt upon—might enter into men's minds—so that these degrading instances of episcopal nepotism practised in our Church, and in these Ecclesiastical Courts, might no longer be the infamy they were at present, and that no Minister of the Crown might tell parishioners who felt aggrieved at the practices of their Puseyite clergyman to seek redress of their grievances in the debased Courts of their still more Puseyite bishops.

The CHANCELLOR OF THE EXCHEQUER said, the statement which he had made, that the aggrieved parishioners should have recourse to the proper authority, did not in any way apply to the Ecclesiastical Courts; it applied to the tribunal provided by the Church Discipline Act—a tribunal easy of access, expeditious for appeal, and the expenses of which were adapted to the spirit of the age. The hon. Baronet, therefore, might really have treated of the courts of India with as much propriety, as far as the people of Frome were concerned, as of the ecclesiastical court of Wells. The hon. Baronet had dilated on the enormity of a Minister of the Crown recommending the parishioners to appeal to the Ecclesiastical Court. That advice was never given. The statement he made was, that the mode of redress was provided by the Church Discipline Act—an excellent Act—adapted entirely to the requirements of the age, and by which expeditious and inexpensive redress would be afforded. And he must express—

SIR B. HALL rose to order, if the right hon. Gentleman in giving an explanation was going to comment on anything he had said.

The CHANCELLOR OF THE EXCHEQUER was sure it could not be the wish of the House that Member after Member should make an attack upon a particular Member of the Government, and comment upon a statement he had made, without allowing that Member to say one word in reply. He had risen to explain. He had thrown himself, as he had frequently done that evening, upon the indulgence of the House—his irregular interference being consequent upon the anomalous position in which he was placed. He rose to justify himself against attacks which he must say, had been personal; and the remark he was about to make when interrupted by the hon. Baronet was, that as the hon. Member for Cockermouth had been so fortunate as to secure an early day for the discussion of the question of Mr. Bennett's institution, it could not be necessary that the House should be trapped into a general discussion now.

SIR B. HALL explained, that he should not have made the statement he had done, if he had not previously acquainted the right hon. Gentleman that he intended, when the notice of the hon. Member for Cockermouth was discussed, to call the attention of the House to the state of the ecclesiastical court of Wells.

MR. HENLEY thought the hon. Baronet had taken a course hardly fair. The hon. Baronet had given a pungent and salient account of the ecclesiastical court of Wells. He (Mr. Henley) happened to have been a Member of the Committee from the evidence given before which the hon. Baronet had drawn his statements, and certainly he had not coloured the picture more vividly than it deserved to be painted. But the hon. Baronet, in drawing this strongly-coloured but true picture, wished to make the House and the country believe that that was the court to which any party who chose to proceed against Mr. Bennett must go. That was unworthy of the hon. Baronet, because he knew that in a case of that sort, especially in a case in which the Bishop's conduct might by chance be involved, the case would be certain to be sent by a form well understood to the provincial Court of Arches.

MR. YORKE, in justice to Mr. Bennett, who, he was proud to say, was a friend of his, and whom he honoured as one of the best men living, thought it right to state that that rev. gentleman had already been judged by the parishioners of Frome. He held in his hand a memorial in the course of signature, and which had already been signed by 1,039 of his congregation, in which they expressed their sympathy for him, and their deep regret at the uncourteous and unkind treatment he had experienced. They also expressed their admiration and respect for the Christian spirit and forbearance which had characterised his conduct, and their confidence in his sound doctrine and faithful discharge of his duties during the calumnies and falsehoods of which he had been the subject; and they added, that the crowded state of his parish church, and the increased number of communicants, afforded the best proof that he had not been thrust on an unwilling congregation. He (Mr. Yorke) trusted that, after such a memorial as that, the House would be relieved from discussions which partook somewhat of the character of persecution.

GENERAL BOARD OF HEALTH BILL.

Bill, as amended, *considered.*

MR. MILES moved the insertion of a Proviso to the second clause, the object of which was to except the tithings of Huish juxta Highbridge and Worston from the operation of the Act. The place was a rural and secluded hamlet, which was separated from Burnham, and had no connexion whatever with it. It was in a separate hundred, and in a separate tithing; and was, he suspected, one of those instances of compulsion upon small places which he had always been afraid would be resorted to in order to help larger places to bear the burden of this Act. In this case, however, it could not be alleged that this hamlet could gain the slightest advantage by an union with Burnham; and he trusted that the House would consent to the Proviso, which would exempt the rural hamlet he had described from a very great hardship.

Amendment proposed—

> "At the end of Clause 2, to insert the words 'That the Act shall apply to all the boundary of the district of Burnham, assigned by the Provisional Order of the General Board of Health, excepting those parts respectively situate within the tithings of Huish juxta Highbridge, and Worston."

Mr. HAYTER hoped the House would not accede to the Amendment, as the Bill as it now stood had been approved of by the Board, and if any difficulty of this sort arose, a suitable remedy was provided by law. An inspector, who was sent down, had recommended at first that an area of greater extent should be included in the Bill. Memorials were sent in opposition to this recommendation, and another inspector was sent down, who reduced the area to that now included in the Bill. No other memorial had been presented objecting to this limited area. He (Mr. Hayter) had presented a petition of 120 persons, presenting 120,000*l.* worth of property, in favour of the Bill as it was now introduced. Two petitions, signed by six persons, had been presented by his hon. Friend (Mr. Miles) upon a matter entirely distinct from this Proviso. If the present area were limited, the sanitary purposes of the Bill could not be effected. He trusted the noble Lord (Lord J. Manners) would not agree to the proviso.

Mr. MILES said, that a memorial was presented to the Government last Session, and he had presented five petitions for the exclusion of this area.

Lord JOHN MANNERS hoped that his hon. Friend (Mr. Miles) would not press his Proviso, as he was convinced that if it were agreed to, Burnham might as well be struck out of the Bill.

Question, "That those words be there inserted," put, and *negatived.*

BISHOPRIC OF CHRISTCHURCH (NEW ZEALAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. CHISHOLM ANSTEY said, he must oppose the Motion on account of the lateness of the hour. He would move that the House do now adjourn. If that were deprecated, he would address himself to the principle of the Bill; and he thought it necessary to warn the House that in that case he would probably occupy about two hours.

The ATTORNEY GENERAL said, this was a most cruel infliction on the part of the hon. and learned Gentleman. The case was as simple as possible. The Bill involved no principle of importance. It was deemed desirable to form a new bishopric in New Zealand, and for that purpose the bishop had surrendred a portion of his See. Doubts were entertained by the Law Officers of the Crown as to the technical legality of that proceeding; and to remove those doubts, and sanction the arrangement, were the sole objects of the Bill. The case was, therefore, as simple as possible, and so far from the hon. and learned Gentleman occupying the House two hours, he was satisfied that with all his ingenuity and all his ability to occupy the time of the House, it would not be possible for him to occupy ten minutes if he confined himself to the facts of the case.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 3, Noes 61: Majority 58.

Question again proposed, "That the Bill be now read a Second Time."

Mr. CHISHOLM ANSTEY said, that the ground of his objection was, that this Bill was the same in principle as the Colonial Bishops Bill. ["No, no!"] The right hon. Gentleman the Home Secretary had last night admitted that it was so.

Mr. WALPOLE denied that he had done so. What he had said was, that if the hon. and learned Gentleman had really an objection to its principle, he would not bring it on at one o'clock in the morning.

Mr. CHISHOLM ANSTEY: I rise to order. I allowed the right hon. Gentleman to explain, but as he has courted debate he shall now have it.

Mr. WALPOLE said, he was only anxious to save time.

Mr. ANSTEY said, that the right hon. Gentleman had entirely misapprehended the ground of his opposition to this Bill. It was called a Bill—

> "To remove doubts as to the constitution of the Bishopric of Christchurch in New Zealand, and to enable Her Majesty to constitute such bishopric, and to enable Her Majesty further to subdivide the Diocese of New Zealand."

Whether this simple statement warranted the interpretation of the objects of the Bill which had been given by the hon. and learned Attorney General, he left the House to judge. The object of the Bill was neither more nor less than to destroy the common law equality of all sects and denominations which at present existed in New Zealand, and to lay the foundation of the supremacy of the Church of England. He denied the premises upon which the Bill proceeded. He maintained that there was at present no Bishopric of Christchurch, New Zealand; that there was no Bishop of New Zealand; and that the Queen had no ecclesiastical supremacy in that Colony; but if this Bill were passed, it would enable Her Majesty to do that which neither by Common Law nor Act of Parliament She was entitled to do at present, namely, to extend Her ecclesiastical supremacy over the Colony of New Zealand. Now, he wished to prevent Her Majesty from doing that; or, rather he wished to prevent certain learned, grave, and right rev. persons from doing it in Her name. The Queen had no more power, without an Act of Parliament, to set up bishoprics in New Zealand than the Pope had. He objected to the preamble of the Bill, which recognised the Bishop of New Zealand, describing him as appointed by the Crown, and the Colony as constituted into a diocese by the Queen's Letters Patent. He objected to the recital that doubts were entertained as to the validity of the instrument whereby the bishop resigned part of his See, and as to the power of the Crown to erect the surrendered portion into a new See; the power that made could unmake. Letters Patent of the Crown could be repealed or altered by Letters Patent of the Crown. The Bill went on to provide that, notwithstanding any law to the contrary, the instrument should be deemed valid, and it should be lawful for Her Majesty to erect the new See. This was an unworthy attempt to repeal the free Common Law of New Zealand. He moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. REYNOLDS moved that the Debate be adjourned.

Mr. WALPOLE seconded the Motion. The hon. and learned Member for Youghal (Mr. C. Anstey) had occupied for some length the time of the House; and it did not seem fair that Mr. Speaker should be kept in the chair longer.

Debate adjourned till *Thursday* next.

MAYNOOTH COLLEGE.

Mr. KEOGH said, he understood that in the absence of himself and his friends the adjourned debate on Maynooth College, which stood No. 28 on the paper, had been disposed of, the last order, therefore, having been taken before the other orders. He could scarcely believe that such an advantage had been taken of the absence of the Irish Members. Perhaps the Chancellor of the Exchequer, who was above such a trick, would say whether that was the case or not. He was sure the right hon. Gentleman would repudiate such a device.

The CHANCELLOR of the EXCHEQUER replied that this matter had been disposed of in the order stated—not, however, by the act of the Government; the hon. Member for Ashton (Mr. Hindley), with whom he had no political connexion, suggested early in the evening that the debate be postponed, and it was adjourned till Friday morning.

Mr. KEOGH asked, whether the right hon. Gentleman meant seriously to say that such was the case? [*A laugh.*] It might be matter of laughter to some Gentlemen opposite; but it was not so to the Chancellor of the Exchequer, who knew what was due to his own position better than they did. This was a Government night, the orders were Government orders, and this was a Government business. He was surprised that, when a number of Members had shown themselves interested in the subject, advantage should be taken of their absence to take the business of the House out of its order, and that, having regard to the common rules of courtesy between Gentlemen which were established in that House, hon. Gentlemen should play—he really was ashamed to characterise their conduct in the only way in which he could—really a sort of "thimblerig"—an expression which he was justified in using by the example of the noble Lord at the head of the Government. He never knew a system more shameful, disgusting, and pettifogging. The moment he and his friends left the House, somebody was sent over to this side of the House— ["No, no!" *from the Ministerial benches.*] Well, they did not send him over; but the right hon. Gentleman said the hon. Member who spoke from this side was a person with whom he had no connexion whatsoever. The Government had perfect control over the paper. The right hon. Gentleman knew that he (Mr. Keogh) and his friends had no more connexion with persons on this side of the House, than with hon. Gentlemen opposite. A more shabby and mean advantage had never been taken.

The CHANCELLOR OF THE EXCHEQUER said, that it was quite a mistake to suppose that the Orders of the Day were Government orders. A certain number of orders had precedence; but it was open to every hon. Gentleman to add any order in which he was interested to the Government list. The Bishopric of Christchurch Bill, which they had been discussing, was an Order of the Day put on the list by a private Member; and the Pharmacy Bill was another example. The Motion on Maynooth was not a Government measure, and was not put on the paper by them. Early in the evening a question had been put on the subject of the adjourned debate, when he (the Chancellor of the Exchequer) mentioned that they proposed to take it on Friday next. No opposition was made to that proposal by the hon. and learned Gentleman.

MR. O'FLAHERTY did not regret that the Government had now shown their colours. He saw they were determined to do everything hostile to the interests of the Roman Catholic people of Ireland; and he would tell them that they had earned for themselves an amount of hostility for which they were not prepared.

MR. WALPOLE observed, that whatever the opinion of hon. Members with respect to the Government and their conduct, it ought to be understood, in fairness to the Government, that there was not a shadow of foundation for the charge made. He could assure hon. Gentlemen that the Government did not take the Order out of its course, and had nothing to do with the proposition which was made. The hon. Member who made it made it of his own accord, without communication with the Government; and so far as the Government were concerned, they did not wish to preclude hon. Gentlemen from having the fair opportunity they ought to have of discussing the question. He went away for a few minutes to take some refreshment, under the impression that hon. Members and the House were satisfied with the arrangement that the debate was to come on upon Friday next.

MR. REYNOLDS had put a question to the hon. Member for North Warwickshire, early in the evening, whether he had made an arrangement with the Government for bringing on the debate. The answer was, that he had had no communication with the Government upon the subject; it must depend upon what took place when the debate should come on in the course of that night. That was stated in the presence of the Chancellor of the Exchequer. The right hon. Gentleman had said that all the Orders of the Day were not Government orders, but he found that down to No. 20 they were Government Bills; and yet they permitted No. 28 to be taken out of its order, notwithstanding it was fixed that the debate on that Motion was not to come on till all the other Orders of the Day had been disposed of.

MR. KEOGH begged to move the adjournment of the House, as it was perfectly absurd to proceed further with business at that hour. He felt certain, from the explanation that had been given by the right hon. Gentleman the Home Secretary, that he had had nothing to do with the shabby trick that had been played upon the Irish Members; but the whole proceeding was unworthy of Her Majesty's Government, and would certainly not meet with the approval of English gentlemen.

MR. S. HERBERT was sure that nothing like a trick was intended by the right hon. Gentleman the Home Secretary; but if such a practice as that which had been adopted was to be sanctioned, a number of measures might be put down, from which any one might be selected and passed in the absence of parties interested in opposing it. He came down with the intention of moving that the debate be adjourned till the 12th of June, feeling convinced that it could be as usefully discussed then as on Friday next, because he was quite convinced that no division would be taken on that day.

The CHANCELLOR OF THE EXCHEQUER wished that there should be a fair understanding as to the mode of conducting the public business of the House.

Nothing would induce him to sanction any course which he did not think perfectly fair to hon. Gentlemen, on whatever side of the House they might sit. But both the hon. Gentlemen who had spoken were labouring under a complete mistake. It was not possible to take any order out of the arrangement in the paper, except for the purpose of postponing it; and it was the undoubted privilege of any Member to move that any Order of the Day in which he was interested should be postponed, and which was a Motion no Minister could prevent or resist. There never was the slightest communication with the Government upon the subject.

Mr. CHISHOLM ANSTEY thought there must be some exceptions to that rule. Suppose he had risen early in the evening and moved the New Zealand Bishops Bill, would he not have been told that such a course was opposed to the practice of the House?

Motion made, and Question put, "That this House do now adjourn."

The House *divided* :—Ayes 10; Noes 42: Majority 32.

The CHANCELLOR of the EXCHEQUER said, afterwards, with respect to the adjourned debate of Maynooth, if it would better suit the convenience of hon. Members, he would endeavour to fix it for Tuesday instead of Friday.

Mr. REYNOLDS was quite willing to leave the matter to be settled by the Chancellor of the Exchequer and the originator of the Motion.

The CHANCELLOR of the EXCHEQUER did not wish the House to separate for the holydays under a false impression. He had every wish to accommodate hon. Members with regard to the discussion on the Maynooth question; and when they reassembled he should have no objection to postpone that debate to such further day as might be most convenient to hon. Gentlemen opposite. It might be fixed for, say, Tuesday.

Mr. WAKLEY would suggest to the right hon. Gentleman whether it would not be better to adjourn the subject *sine die.* The Chancellor of the Exchequer ought to know, that whenever the debate might take place, there would be no division upon the Motion. In a medical point of view, hon. Members were destroying their health by this useless discussion.

Mr. WALPOLE suggested Tuesday week for the resumption of the debate, if that would meet general convenience.

The House adjourned at a quarter before Three o'clock till *Thursday* next.

HOUSE OF LORDS,

Thursday, June 3, 1852.

Minutes.] Public Bills. — 1ª Ecclesiastical Courts (Criminal Jurisdiction); Surrender of Criminals (Convention with France).
2ª Representative Peers for Scotland Act Amendment.

Their Lordships met; and, having transacted the business on the paper,
House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 3, 1852.

Minutes.] Public Bills.—1° Savings Banks (Ireland).
2° Common Law Procedure; Master in Chancery Abolition; Improvement of the Jurisdiction of Equity; Protestant Dissenters.
3° General Board of Health; Law of Wills Amendment; Industrial and Provident Partnerships.

PUBLIC BUSINESS.

On the Order of the Day being read for going into Committee of Supply,

The CHANCELLOR of the EXCHEQUER rose and said: Perhaps the House will permit me to make a few observations with reference to the conduct of public business. When the House last met, before adjourning for the holidays, I agreed that the adjourned debate on the Motion of the hon. Member for North Warwickshire (Mr. Spooner) for an inquiry into the system of education at Maynooth College. should be resumed to-morrow morning. Since that time representations have been made to me by hon. Members from Ireland, who complain that this is not a fair arrangement for them. I regret very much that they did not make those representations at the time that I made my suggestion. Had they done so, I should at once have acceded to it; for when the personal convenience of any considerable number of Members is involved in any arrangement over which the Government have control, I shall ever regard it as a duty and a pleasure to promote the wishes of those hon. Gentlemen so far as it may be in my power to do so. I could have wished that the request of the hon. Members to whom I in this instance refer, had been made at an earlier period; but it is in itself so reasonable, that even now I cannot think that I should be justified in declining it. We, therefore, propose that the debate on the Maynooth question shall be resumed at the morning sitting on Tuesday, instead of Friday. The Government are anxious to follow what they believe to be the feeling of the majority of the House upon this subject; but it is due to the House and to ourselves that I should state that after Tuesday it will not be possible for us to make any other arrangement to facilitate the conduct of that debate. I shall propose to proceed to-morrow morning with the Estimates in Committee of Supply, and I propose that to-morrow evening, with the consent of the House, we shall go into Committee on the New Zealand Bill. My first idea was, that we might have gone into Committee on that Bill to-morrow morning, but I find that several hon. Gentlemen who take an interest in that question are engaged upon Committees of great importance in the morning; and, although the public business is now extremely urgent, I have felt it my duty to defer to their representations, being desirous that we should have the advantage of their presence at the discussions in Committee on the Bill. Perhaps the House will permit me to take this opportunity of impressing upon them the necessity of considering the gravity of the public business that remains yet undespatched, under circumstances in which, as every hon. Gentleman present must be aware, despatch is of the utmost importance. The public business that remains to be despatched, is really, generally speaking, not that sort of business that a Ministry can throw over, in the hope that on a future opportunity they may, under happier auspices, again submit it to the consideration of the House. The Bills at present before the House are generally measures of a very urgent character, relating to matters of the utmost importance, and in some instances proposing to continue laws which are about to expire, the expediency of which nobody can question. I do not despair, that with the assistance of the House, and with becoming energy, we may complete the business that is before us, and at the same time not interfere with that ulterior result at which we are all anxious to arrive. I hope, however, the House will permit me to say, that while Her Majesty's Ministers feel it their duty to submit nothing to the consideration of the House, but matters which they believe to be of urgent and paramount necessity, they do hope that hon. Gentlemen generally will be actuated by the same feelings. I am myself always most anxious not to interfere with the privileges of independent Members. I highly estimate those privileges; I have myself, in opposition, availed myself of them, and I wish in no way to diminish the opportunities afforded to hon. Gentlemen for bringing important and interesting subjects before the House. But I may remind the House that on Friday last, when we attempted to go into Committee of Supply, the whole evening was occupied—I will not say with subjects of no importance, but certainly not with subjects of that urgent necessity which I thought ought alone to be brought forward by such extraordinary means in the present Session. There are now a variety of Amendments on the paper to be proposed on going into Committee of Supply. Under ordinary circumstances, and in the usual state of affairs, there is not one of those Amendments to which the Government would not feel it their duty to give the fullest attention and consideration which the subjects themselves deserve; but they do not relate to matters of that urgent character which this House generally has recognised as those which ought, under present circumstances, alone to be put forward. It would greatly facilitate public business, and would materially assist that consummation which we all desire, if hon. Gentlemen, with a becoming forbearance, and with an abnegation which I assure them the Government would duly appreciate, would resolve not to bring forward, in the way of amendment or representation, in Committee of Supply, topics which are not really of a very urgent character. I hope the House will excuse me for making these observations, and that they will assist Her Majesty's Ministers in facilitating the progress of public business. It is only by such a course that we shall be enabled to close the Session at the period we all desire, and at the same time carry those measures upon the paper which it is important for the interests of the country should become law.

COLONEL FREESTUN inquired whether the House would meet at Twelve o'clock to-morrow?

The CHANCELLOR OF THE EXCHEQUER replied in the affirmative.

SIR JAMES GRAHAM: Sir, I am anxious to take this opportunity of addressing a few observations to the House as to the state of public business; and I am glad the right hon. Gentleman the Chancellor of the Exchequer has anticipated me in calling attention to the subject. The right hon. Gentleman has said he hopes some forbearance will be exercised towards the Government with reference to making Motions before going into Committee of Supply. I, on the other hand, on behalf of hon. Members generally, do think that we are entitled to some forbearance on the part of the Government in respect to the measures which they press upon our immediate consideration. I suppose that there can be but one feeling in this House, as I am sure there is but one feeling in the country, that our labours in the present Session should be brought to a close within the shortest possible time, consistent with the great interests committed to our care. It therefore becomes, as it appears to me, a question of primary importance to consider what are those measures which it is indispensable for us to discuss in the course of the remainder of this Session, which cannot, I imagine, from all accounts, be of very long duration. Now, just let me call the attention of the House to this fact—that there are no less than twenty-seven "Orders of the Day" upon the paper for to-day. There are, I think, four notices of Motion to be made before Mr. Speaker leaves the chair on going into a Committee of Supply —a practice which certainly I very much regret, as needlessly and disadvantageously, in my opinion, occupying the time of the House, inasmuch as it gives rise to an infinite variety of debates, during the same evening, leading to no practical conclusion; but I am bound to say, on the part of independent Members, greatly as I deprecate the practice, that just in proportion as the Motion days are diminished in number, and the opportunity afforded to independent Members for bringing subjects under consideration are thus curtailed, it must necessarily ensue that the practice of making Motions upon going into Committee of Supply will be more generally adopted. Allow me for a moment to call the attention of the House to some of the leading measures which we are now asked to consider. I admit the urgency of some of those measures; but with respect to others, while I admit their importance, I deny that there is any urgent necessity for deciding upon them in the present Session. I may classify them, with the view of considering them more easily and satisfactorily. I will take first, the branch of law, and let us see what are the questions with reference to the administration of justice which, on the 3rd of June, press for our decision, or rather, I should say, which we are pressed to decide upon. There is, first, the Common Law Procedure Bill, which comes down to us from the other House, after ample discussion, and after a reference to a Committee of the most learned persons. The other House has bestowed much time upon the consideration of this Bill which contains no less than 230 clauses; but we are called upon to decide both upon the principle and the details of the measure during the remainder of the present Session. This Bill is to affect our Courts of Common Law. Then let us look at the Equitable Jurisdiction of the country. I had the honour of serving upon a Commission which made the utmost possible exertions to report upon that entire subject before the commencement of this Session; and our Report, going at large both into the principle and details of the alterations which we unanimously recommended, was in the hands of the Executive Government at the commencement of the Session. The other House has had ample time to consider two most important Bills, the Master in Chancery Abolition Bill, and the Improvement of Equity Jurisdiction Bill; these Bills, in the main, embody the recommendations of that Commission. I say in the main, because in some important particulars there were deviations from our recommendations. Not one step has yet been taken in this House with regard to any one of these three Bills beyond their introduction. Is this all the business before us with respect to the law? No; there is a Bill relating to Suitors in Chancery, and a Bill, which has made some progress, for the alteration of the law respecting Bills. Now, it is impossible to exaggerate the magnitude, the difficulty, and the importance of these questions. The right hon. Gentleman the Chancellor of the Exchequer has alluded to the New Zealand Bill. By the courtesy of the right hon. Secretary for the Colonies I received private intimation that the arrangement which I thought had been made for resuming the discussion upon the Motion of the hon. Member for North Warwickshire (Mr. Spooner) relative to the College of Maynooth, to-morrow morning at 12 o'clock, had been altered, and that it was proposed to proceed with the Committee on the New Zealand Bill at that hour to-morrow. Having accidentally met with the right hon. Gentleman (Sir J. Pakington), I had the opportunity of stating to him how much I objected to that arrangement for discussing the New Zealand Bill at a morning sitting. The business before the House is of great magnitude; but there is pressed upon us in Committees upstairs business of, if possible, still greater and more urgent importance. There is a Committee on the whole question of the renewal of the East India Company's Charter, which meets to-morrow at one o'clock. There is also a Committee intimately connected with the good government of Ireland, with reference to Crime and Outrage in that country. We are in the midst of the consideration of our Report, and we are called upon to meet to-morrow at twelve o'clock. Now, if such Committees sit to-morrow, it will be impossible to proceed with the New Zealand Bill to-morrow, without notice, at a morning sitting. That, however, is only a single measure. There is another Bill before the House which has hitherto been unexplained, though I believe it has been read a second time, and which involves principles of the utmost importance. I allude to the Hereditary Casual Revenues Bill. That measure, in connexion with the discovery of important mines in South Australia, and the application of casual revenue—of which, I believe, gold and silver ore form a part—becomes one of primary importance. With reference to the Church in the Colonies, there are no less than three measures on the table, which claim the most attentive consideration of the House. There is the Colonial Bishops Bill. There is the Bishopric of Quebec Bill, relating to the subdivision of that diocese—a matter which I believe will be found to trench more or less on a question exciting great interest in Canada, and which the late Government introduced specially to our consideration, namely, that of the clergy reserves. There is also the New Zealand Bishopric Bill, to which I will not now more particularly allude. Here are Bills of vast importance to the Colonies, lying on our table for consideration. And now let us look at certain Bills of renewal, which are really urgent, and upon which it is impossible, even in the present Session, to escape coming to some decision. There is the renewal of the Poor Law Board, both in England and in Ireland—two separate Bills. There is another Act, which is connected with the subject of the inquiry I have already adverted to, with respect to crime and outrage in Ireland—a matter to which the late Government attached the greatest importance; and the Act I allude to, for the Prevention of Crime and Outrage in Ireland, expires with the Session, I believe, and must be renewed, but no step has yet been taken to renew it. I see the right hon. and learned Attorney General for Ireland has given notice of a measure which is not a mere Bill of renewal, and not of the urgent character of that class of Bills—a Bill for the consolidation and amendment of the Whiteboy Acts and the Acts against Unlawful Societies—a subject of the utmost difficulty and of great importance, but one which it will not be found possible to investigate or bring to a conclusion to the satisfaction of Ireland or of this country in morning sittings during the present Session. There is also the Encumbered Estates Act, which, I believe, expires with the present Session, and which, if it is expedient that it should be renewed, must be renewed in this Session, and we must have all the discussion which it will entail. Then there is a Bill introduced by the Admiralty, which I have not yet heard explained, but which is also of the greatest importance and of some difficulty, involving an entire alteration of the scheme of Navy Pay—the mode of payment of Her Majesty's fleet. Take some other department—take the Department of the Woods and Forests—what are the measures now on our table to be discussed in this Session? There is a Bill, the Metropolis Building Bill, with 79 clauses, the object of the Bill being to amend an Act of about 250 clauses. There is the question of Extramural Metropolitan Interment, the whole scheme of which was fully discussed, and, as I thought, settled in a former Session; but a Bill has now been introduced by the noble Lord the First Commissioner of Works (Lord J. Manners), subverting that scheme in all its most important parts. There is also a Bill for the better regulation of the Supply of Water—a Bill which has been before a Select Committee, but which still, if discussed in detail in this House, will, I am satisfied, inevitably occupy a great length of time. The noble Lord has also introduced a Bill relating to the administration of the Woods and Forests and Land Revenues, and, though of minor importance, two other Bills in reference to local improvements, all of which Bills, however, are likely to lead to discussion. [An Hon. MEMBER: There will be a Sewers Bill.] I am reminded of a Sewers Bill. The Sewers Commission is expiring: I believe the subject of its continuance has not yet been brought before us. Then, how do we stand with respect to Supply? There are, I think, about 200 Votes yet to be taken in Committee of Supply; and the hon. and learned Member for Youghal (Mr. Anstey) has given notice of opposing forty-six of these Votes. We are on the 3rd of June: it is announced that there is the utmost desire on the part of the Government and of the House to bring our labours to a close. I should be glad to know how it is possible for all these various subjects to be satisfactorily disposed of within the period contemplated by the Government for the duration of the Session. But, numerous as are the items which I have cited, I beg to say that I have not as yet exhausted the various subjects which are still reserved for our consideration; nor shall I trespass so far on the attention of the House as to attempt to do so. Surely, the time has arrived when it is not unreasonable to ask the Government to consider and state on an early day—perhaps they would do it on Monday—what are the measures they will still press on our consideration, and in what order they will take them. I feel strongly upon the matter. I have the greatest apprehension that if we do not take care, we shall bring the institution of the representative government itself into disrepute. It will appear that we cannot transact business, and that even the business which is before us and under debate we cannot close so as to come to a decision. I allude especially now to that Motion which has been twice before us, and for which I am much concerned to find the Government has just proposed a day—the Motion relating to Maynooth College. The hon. Member who has just proposed that Motion avows that for any practical purposes that Motion will be utterly unavailing. [Mr. SPOONER: No, no!] Most assuredly I did understand the hon. Gentleman to have admitted that, let the fate of the Motion be what it might, inquiry in the present Session was utterly impossible. [Mr. SPOONER: Hear, hear!] Well, then, a proposition for an inquiry which must be fruitless, and the discussion of which, as I believe, being fruitless, is fraught with the greatest evil to the peace, tranquillity, and concord of the country, is kept open, with the consent of Her Majesty's Government, and in that state of affairs is still allowed to occupy our attention. I will not speak with disrespect of regulations which the House has adopted, but as for taking a question of that sort at a morning sitting, it appears to me that if you wished to come to no decision, this is the exact course you would take; and the evil is greatly aggravated by the regulation adopted the other day, that at four o'clock Mr. Speaker closes the morning sitting, and the business not then disposed of is to be put at the bottom of the list of Orders of the Day; in point of fact, an adjournment, in the present state of the Session, *sine die.* If we are to have a debate upon the Maynooth question, and to come to a decision upon it—and observe I do not deprecate such a decision, but what I would deprecate is endless and profitless discussion, without a decision—I conceive that it can never, in the present state of the Session, be determined at a morning sitting. It will occupy morning after morning—the excitement created by it, and the discord, will go on, and be aggravated; the public will suffer from it, and no possible good can arise from it. If Her Majesty's Government think it is for the public good that that question should be discussed and decided, I should say let them by all means, even in the present state of public business, give an evening sitting for the purpose. I am very sorry to have occupied the House at this length; but, with the utmost respect and regard for the reputation of this representative Assembly, I do feel that in the course which we are now pursuing, if we can come to no decision upon a question of the greatest public interest, this Assembly, which has been the great landmark of representative government, and the great example of representative assemblies throughout the world, will be brought into disrepute. I hope by Monday the right hon. Gentleman the Chancellor of the Exchequer will be prepared to state what measures he intends still to press upon our attention, and in what order he will take them.

MR. SPOONER said, he was not going to be drawn into a debate upon the Maynooth question, but he wished to put the right hon. Baronet right upon one point. The right hon. Baronet seemed to think it was admitted that there could be no practical good in again bringing on the Maynooth question. [Sir J. GRAHAM: What I said was, that it was admitted there could be no practical result.] He (Mr. Spooner) had admitted that the inquiry could not be entered upon at this period of the Session, but there was something else besides that; he wanted to have the determination of the House, ay or no, whether the subject was worthy of inquiry. He wished to have a division upon that point. The country called for that division; and if Gentlemen who had so often declared that they did not shrink from it would consent to end the debate next Tuesday, when he understood it was to come on, he, for one, would throw no obstacle in the way, and would give up his right of reply. He wished the House to declare—was there a system of education carried on at Maynooth which demanded inquiry? Having "Ay" or "No" to that question was a practical result for which the country looked, and would be greatly disappointed if the House of Commons should be prevented coming to a decision.

Mr. STANFORD said, he had given notice that on going into Committee of Supply he would draw the attention of the House to the necessity of some legislative enactment to meet the demoralising and ruinous effects of "betting-shops;" but after the appeal of the right hon. Gentleman (Sir J. Graham), he should not feel himself justified in detaining the House. He trusted, however, if he withdrew his notice in order to facilitate the despatch of public business, others who had notices on the paper would do the like; and he hoped he might have a more favourable opportunity of bringing forward a subject of interest, and stating facts which he had been at some pains to collect.

Lord JOHN RUSSELL: Sir, I do hope that the right hon. Gentleman the Chancellor of the Exchequer, will, to-morrow or on Monday, consider the statement that has just been made by my right hon. Friend the Member for Ripon (Sir J. Graham); for indeed it is a matter which deserves the most serious attention of the Government. I cannot say that I am much surprised that the Votes should present a numerous array of Bills, many of them important, and many presenting strong claims on the consideration of the House, for I know that about this time of the Session there is usually such a jostling of measures of different kinds as renders it no easy matter to select those which may be fairly considered of the greatest importance. This is the case every year; but this Session it is specially incumbent upon the Government not to press on the consideration of the House any measures that they do not believe to be of paramount importance, and calculated to lead to some practical good. Having said this, I wish to advert for a moment to what has been said by the hon. Member for North Warwickshire (Mr. Spooner), on the subject of the Maynooth debate, and the hon. Gentleman's assertion that he is anxious to have the decision of the House upon the question whether or not there ought to be an inquiry into the system of education adopted at Maynooth; but I would take leave to remind the hon. Member that this is not the question before the House. If the hon. Gentleman will propose that question in distinct terms to the House, we may, perhaps, decide upon it; but what the hon. Gentleman is about to propose is nothing more or less than this, that on the 8th of June this House shall resolve to inquire, by a Select Committee, into the System of Education pursued at Maynooth. Every one must see, that that is a totally different question from that on which the hon. Member now declares himself as anxious to take the sense of the House. One hon. Member may think that, regard being had to the period of the Session and the time of the year, it would be useless to appoint a Select Committee; but that the Motion for inquiry by a Select Committee might, as a declaration of opinion, be properly agreed to. Another hon. Member may say, with the right hon. Gentleman (Mr. Goulburn), and as I am disposed myself to say, it is right and proper to have an inquiry, but it will be better to have it by the means which the Crown has already at its disposal, rather than by a Select Committee of this House. Another hon. Member may say, let there not be a Committee on the 8th of June; and this he may say quite irrespectively of the question, whether it is or is not expedient to inquire into the studies at the College of Maynooth. Therefore, it appears to me that the hon. Gentleman has not put the question fairly. For my part, I certainly shall not be disposed to decide on Tuesday next upon the issue which he now raises. On the contrary, I shall then take occasion to explain that the next question for our consideration is not that which he has stated, and that, if there ought to be an inquiry respecting Maynooth, the hon. Gentleman has taken the very worst method that could possibly be devised for obtaining it. With respect to Supply, I hope it will not be supposed that I am saying anything unfriendly to the Government, when I state, as the result of my experience, that the best way to proceed with Supply, is to set it down on the Votes for several consecutive days, for I have always observed that when this practice is adopted, and after one or two intervening Motions have been disposed of, there is always a disposition on the part of the House to proceed with Supply. The Miscellaneous Estimates are the only Votes which still remain to be taken, and these will naturally lead to more discussion than the Naval and Military Estimates, as the only question affecting them was, what the establishments of the year should be. If the right hon. Gentleman the Chancellor of the Exchequer wishes to proceed as it is most desirable the House should proceed, as speedily as possible with those Estimates, I hope the right hon. Gentleman will consider it desirable to appoint days, without any interruption, on which the Committees of Supply should be fixed, so that the House, after disposing of the immediate Motion before it, may go at once into Committee of Supply.

The CHANCELLOR OF THE EXCHEQUER said, that perhaps the House would allow him to say one word. He had already stated his intention next Monday to explain the views of the Government upon the business before the House, and, after the observations of the noble Lord (Lord J. Russell), he would still defer until Monday the making that statement. He would merely say now, that upon calmly considering the business before the House, the Government might not be able to accomplish all that they had expected. In explanation he would add that the noble Lord misconceived what he had said about the Committee of Supply. It was not his intention for one moment to deprecate the fullest discussion of the items which would be brought forward—it would be most unreasonable and most improper on his part were he to do so. All that he did deprecate, under the present circumstances, was hon. Members taking advantage of the Motion for going into Committee of Supply to bring forward questions which, however important, were not urgent, and generally had no particular reference to Supply itself. He had already followed the mode recommended by the noble Lord with regard to the Militia Bill, and he intended to pursue the same course with the Committee of Supply. He hoped to go into Committee of Supply every day without interruption until the Estimates were gone through, and on Monday next he would make a statement to the House, as he originally intended, with respect to the business before it.

MR. HORSMAN said, perhaps it would be convenient if the right hon. Gentleman would state what business he proposed to proceed with on that night after the Committee of Supply. Three of the Bills with respect to Colonial bishops were very much opposed, and two of them stood for a second reading that night. As the right hon. Gentleman the Secretary for the Colonies intended next Session to legislate upon these matters, and as all these Bills were opposed, he hoped the Government would at once say they would not proceed with them either this evening, or during the course of the present Session.

MR. V. SCULLY said, that the right hon. and learned Attorney General for Ireland had given notice for leave to bring in a Bill to continue the Act 11 & 12 *Vict.*, c. 2, for a limited time, and another Bill to consolidate and amend the Whiteboy Acts, and the Acts against Unlawful Societies; he wished, therefore, to know whether the right hon. Gentleman would proceed with those Motions to-night.

The CHANCELLOR OF THE EXCHEQUER, in answer to the hon. Member for Cockermouth, said he did not anticipate the House would go into any business to-night except the Committee of Supply, and it was not his intention to bring forward any Orders of the Day. Generally speaking, it would be more convenient to leave until Monday any questions as to the business before the House, when he should be prepared to give the intentions of Government.

MR. M. J. O'CONNELL said, he must complain that the right hon. Gentleman had not answered the question of the hon. Member for the county of Cork (Mr. V. Scully). He thought that some Gentleman connected with the Government, either with greater knowledge or greater courtesy, should be induced to do so. The question was a very intelligible one, and ought to have an answer. The right hon. Gentleman the Chancellor of the Exchequer said he would not bring forward the Orders of the Day. These were notices of Motion, and his pledge did not affect them. He wanted to know if they would be brought forward at a late hour, or at any hour that night?

The CHANCELLOR OF THE EXCHEQUER said, he did not think the hon. Member had understood his answer, or he would not have charged him with a want of courtesy. He would not proceed with any business after twelve o'clock, which would lead to any discussion.

Subject at an end.

SUPPLY.

Order for Committee read.

House in Committee; Mr. Bernal in the Chair.

(1.) 113,476*l.* Royal Palaces and Public Buildings.

Mr. W. WILLIAMS said, the Civil Service Estimates had progressively increased of late years. These Estimates were very different from the Army and Navy Estimates, which had been allowed to pass without discussion, the Government stating that they had taken them on the authority of their predecessors. The Estimates now submitted had been in the hands of the Government three months, and were signed by the heads of the respective departments. They presented a most extraordinary increase. In 1835, under Sir Robert Peel, they were 2,107,000*l.* They had gone on progressively increasing, and had now attained the extraordinary amount of 4,182,000*l.* Such a large increase required explanation. The cost of the Royal Palaces was perfectly astounding, and ought to be checked by Parliament. The Chief Commissioner of Works had now a Bill before the House to make improvements at Pimlico, in connexion with Buckingham Palace, which would be attended with an enormous outlay. The clearing away of buildings had cost 70,000*l.*, although a great part of the property was only leasehold, and the freehold belonged to the Crown. He had complained for years past that the Crown property had not been fairly treated. The income awarded to Her Majesty was a vast amount beyond the receipts from the property of the Crown; but he believed, if managed economically, the property of the Crown would be almost sufficient for the income of Her Majesty. The fact was, the Crown property was squandered in all sorts of ways, for all sorts of purposes, to a great extent wasteful and unnecessary. Last Session it had been ordered, on the Motion of the noble Lord the Member for Bath (Viscount Duncan, that all the receipts of the department of Woods and Forests should be paid into the Exchequer, and every item of expenditure voted by that House. He believed that upwards of 2,000,000*l.* were yet unaccounted for. If the property was fairly dealt with, he believed it would be sufficient to defray the entire cost of the Civil List.

Mr. G. A. HAMILTON said, one of the principal causes of the increase of the Estimates was, the transfer from the Woods and Forests of services which had been before deducted from the land revenues of the Crown. Those services were transferred under the Act passed last Session, in consequence of the Motion of the noble Lord the Member for Bath, and they amounted in these Estimates to a total of 76,532*l.* He was quite ready to explain the reasons of the increase; but he would suggest that it would be more convenient to do so as each class was brought before the Committee.

Viscount DUNCAN said, it was quite true, as had been stated by the hon. Member for Lambeth (Mr. W. Williams), that that House, by a majority of one, affirmed a Resolution which he moved—that in future, the whole amount of the Land Revenues of the Crown should be paid into the Exchequer; but, unfortunately, the House, to a certain extent, reversed that decision. When the Bill for the Separation of the Woods and Forests was brought forward, he tried the question again, and was unsuccessful. The hon. Gentleman (Mr. G. A. Hamilton) was quite correct in stating that 76,532*l.* was now transferred from one account to the other, and gave an appearance of an increase of the Estimates, but that was the last thing he should find fault with; all he regretted was, that the Resolution was not carried, by which the whole sum would have appeared on the Estimates.

Mr. W. WILLIAMS said, he objected to a charge of 511*l.* for the rent, &c., of offices of the Ecclesiastical Commissioners in Whitehall Place; when they knew that the revenues of the Church were so enormous, and that immense sums were raised for the extension of the Church, they ought not to vote such a sum, in addition to salaries connected with the Commission. He objected, also, to a charge of 1,600*l.* for the rent of offices of the Tithe and Copyhold Commissioners. The public were charged for the maintenance of some ten palaces belonging to the Crown. Only three or four were ever occupied, or ever seen, by Her Majesty. He thought they ought to be relieved from charges for so many palaces which could not in any way contribute to the convenience of the Queen.

Lord SEYMOUR said, as he was in office when the house was taken for the Tithe and Copyhold Commissioners, he considered himself responsible for that item. He was told the Commissioners had a number of very valuable maps, and the public paid some small fee for the advantage of consulting them ; the sum so paid by the public exceeded 1,700*l.* a year, or more than the rent of these offices ; upon the ground that it was most desirable the maps should be placed conveniently to be seen, he agreed to taking a larger house than he should otherwise have done, that the public might have every facility in referring to them.

Mr. W. WILLIAMS said, he considered the charge of 9,454*l.* for rent of houses taken for the accommodation of public departments excessive, and that a saving might be effected by making some allowance for the official residences, to which he should not object.

Mr. G. A. HAMILTON said, it was impossible any arrangement like that suggested could be carried into effect.

Vote *agreed to.*

(2.) 60,546*l.*, Royal Parks, Pleasure Grounds, &c.

Viscount DUNCAN said, it was very properly stated in the Estimate that this was about 24,000*l.* in excess of the preceding year, and he hoped some explanation of that excess would be offered. As far as his own experience went, he did not think the roads in Hyde Park were in that state which the public had a right to expect after so large an outlay in keeping them in repair ; indeed, several accidents had occurred in consequence of the bad state of those roads. With all submission he would throw out a suggestion to his noble Friend the Chief Commissioner of Works, that some contract should be entered into with the metropolitan road commissioners for the repair of all the roads in the parks. He understood the different roads in the different parks were each under a separate management. He saw in St. James's and Hyde Parks, in the department of the ranger, an item of 1,506*l.* a year. In Greenwich-park there was also a department of the ranger, and an item of 223*l.* ; in Richmond-park there was also a ranger, and the very large expenditure incurred under that head of 2,312*l.* He was anxious to know what were the duties of the rangers, what services they performed, and of what use they were in these parks. He was led to put these questions by observing that the Regent's-park, Victoria-park, Bushey-park, Holyrood-park, and Phœnix-park were managed without a ranger ; and as far as the Regent's-park was concerned, it seemed to him the management was quite as efficient as the management in Hyde-park. In the Committee over which he had the honour to preside, this subject was brought prominently forward, and it was found that great inconvenience and considerable confusion was caused by conflicting orders being given by different officers. He wished to hear what were the advantages to the public service that these separate departments should be kept up, and whether the expenses of the rangers' department were subjected to the control of the Office of Works.

Mr. G. A. HAMILTON said, with regard to the increase of this Estimate, it included Richmond, Hampton-court, and Bushey-parks, which had no place in the Estimate of last year, because those parks were assigned to the Department of Works, while the Bill for dividing the Woods and Works was depending in Parliament, and after the Estimates for the current year had been voted. That would account for 7,827*l.* There was also a sum of 4,950*l.* for widening the road in Hyde-park near the Serpentine, and for draining the Regent's-park ; and another sum of 4,976*l.*, for maintaining and keeping up various parks which used to be defrayed out of the land revenues of the Crown. A further sum of 5,000*l.*, usually in Estimate No. 1, had been transferred to No. 2, by the alteration last year. That, with some other small items, which he could state, made a total of 24,342*l.*, or more than the excess in the Estimate over the Estimate of 1851. As regarded the office of ranger, it might certainly be a question whether some arrangement in the nature of that suggested by the noble Lord might not be made, and he was sure his noble Friend the Chief Commissioner of Works would give it that consideration which it required.

Lord JOHN MANNERS said, he considered that the suggestion of the noble Lord the Member for Bath (Viscount Duncan) was worthy of consideration, and should be attended to.

Mr. SLANEY said, he thought of all the items in the Estimates, this was the one which the public would the least grudge. Almost twenty years ago he moved for a Committee on the subject of providing public walks and parks in the vicinity of the metropolis. Since then, three parks had been gained to the public; and he should be glad to know whether Finsbury Park was likely to be formed, and also what was the state of the improvements in Battersea, and when that park would be opened to the public. He concurred in the suggestion of the noble Lord the Member for Bath (Viscount Duncan) as to the consolidation of the management of the roads in the different parks.

Sir De LACY EVANS considered the management of roads was not a fit matter to be intrusted to the Department of Works. The state of the roads in Hyde-park was certainly very unsatisfactory. An accident had recently occurred to an hon. Member of that House (Mr. J. L. Ricardo), owing, it was said, to some holes in the road in Hyde-park not having been properly filled up.

Mr. J. L. RICARDO was bound, in justice to the noble Lord the Chief Commissioner of Works, to state that he (Mr. Ricardo) owed his accident entirely to the bad shoulder of his horse, and to his own clumsiness. If, therefore, the noble Lord had allowed holes to remain in the park in order to catch unwary Radicals, certainly he (Mr. Ricardo) was not caught in that trap.

Lord JOHN MANNERS said, that with regard to the park at Battersea, he had done everything in his power to forward the improvements going on there.

Mr. W. WILLIAMS was of opinion that the expenditure of 60,546*l.* on account of the Royal parks, pleasure-gardens, &c., was enormous. By the Estimates it appeared that no less than 15,836*l.* was charged on account of the three parks, namely, St. James's, the Green, and Hyde Parks, for one year only. When such heavy sums were paid by the public to maintain these parks, they certainly ought in return to have the full enjoyment of them; and yet such were the restrictions imposed, that no man knew whether he could pass the parks or not. Some time ago, he had occasion to come down to the House from Oxford-street in a hurry, and he took a cab and passed under the marble arch into Hyde-park, without any objection having been made; but when he arrived at the gate leading into St. James's-park, he was stopped in a most insolent manner, and was obliged to go back to Oxford-street. It was well known, that while some persons were permitted to go through the Horse Guards, others were turned back. These distinctions ought not to be made. It was not his wish to see the parks made a common road for omnibuses, waggons, and carts, or such like modes of conveyance; but, at the same time, considering the large sums paid by the public for the maintenance of the parks, the restrictions ought to be less stringent.

Colonel SIBTHORP very seldom agreed with the hon. Member for Lambeth, but he could not help concurring in what had fallen from him on this occasion, for he really believed the public were improperly debarred from the fair use of the parks. But he rose chiefly for the purpose of expressing a hope that the return for which he some time since moved, and which he understood was already prepared, would soon be laid on the table. He alluded to the charge for the removal and reconstruction of the marble arch. The noble Lord the late Commissioner of Works had said that the expense would not exceed the Estimate, which was 4,056*l.*; but there was a report that it had exceeded 9,000*l.*, nay, he had heard as much as 12,000*l.* If so, it would be a most shameful waste of the public money. He would beg to ask the noble Lord (Lord Seymour) what had been the expenditure of removing the marble arch, and whether the expense had been in accordance with the statement made to him by the noble Lord? Both with regard to the marble arch and to the demolition of the trees in Hyde Park, caused by the Crystal Palace, there had been a very gross expenditure of the public money, and a great infringement upon the rights of the people.

Lord SEYMOUR said, that the hon. and gallant Member anticipated that the cost of the removal of the marble arch would very much exceed the Estimate. He believed he (Lord Seymour) was correct in saying that the cost of taking down the arch and rebuilding it was within the Estimate. No doubt there were works and other expenses connected with Buckingham Palace which had cost some money, but that ought not to be set down to the account of the marble arch.

Sir De LACY EVANS thought the country was very much indebted to the noble Lord for having removed the arch, and having placed it in a situation which, in his opinion, made it one of the finest ornaments of the metropolis. With regard to the impediments thrown in the way of the public in the use of the parks, he might state that, in his own case, when Parliament was sitting he was allowed to pass through the Horse Guards, but when Parliament was not sitting he was imperatively refused permission to pass through, and was referred to a list of some privileged names, among which his own did not appear. Now, considering that he was living among his constituents, and was actually engaged in the discharge of duties as their representative, he thought it illegal so to stop him, notwithstanding Parliament was not sitting. He was desirous of hearing from the noble Lord opposite (Lord J. Manners) some information as to the drainage of the parks, and the state of the water of the Serpentine. Was the water to be stagnant or kept flowing?

Lord JOHN MANNERS said, that if the hon. Member for Lambeth would look to the aggregate of the items in this estimate, he would find that there had on the whole been a saving effected; but in respect to some charges great improvements had been made; for instance, the lighting of the parks had been increased, and there had been a large additional supply of water to the Serpentine. With respect to the drainage and cleaning out of the Serpentine, that was rather a delicate affair to meddle with; his attention had been drawn to it, and plans had been submitted to him. He had also given orders that fresh gravel should be laid down on the roads in the parks where required.

Mr. KINNAIRD wished to know whether any papers were before the House showing the names of the rangers of the parks, what were the duties they performed, and what were the salaries they received?

Lord JOHN MANNERS said, a return had been moved for, which, when produced, would show what were the duties of the rangers.

Lord SEYMOUR said, that the names of the rangers might be found in the Red Book; and, as to their salaries, that question was easily answered, for they received no salaries at all.

Mr. W. WILLIAMS asked, if the rangers received no salaries, whether the noble Lord would explain this charge for the rangers' department of 1,506*l.*

Lord SEYMOUR replied, that the ranger received nothing, and the item of 1,506*l.* referred to persons employed as gatekeepers and others, who, if not paid under the ranger, would be equally paid under the Board of Works.

Viscount DUNCAN said, the rangers had lodges in some of the parks, which lodges were kept up at the public expense. He again repeated that it was inconvenient to have two sets of servants in the parks, one under the rangers, and the other under the Woods and Forests. He was much pleased to hear that this anomaly was to be remedied by the doing away with this divided jurisdiction.

Lord JOHN MANNERS would remind the noble Lord that rangers of parks were Royal gifts. The Duke of Wellington was ranger of Hyde-park, but had no house. The rangership of Richmond-park was given to one of the Royal Family, and a house was provided. He presumed the noble Lord had no wish to interfere with these Royal gifts.

Viscount DUNCAN did not wish to interfere in the remotest degree with the rights of the Crown. His noble Friend had mistaken what he said. His belief was there were several lodges in the parks which were not occupied by members of the Royal Family. They were occupied by deputy rangers, and kept up at the expense of the public.

Mr. SLANEY thought the Crown ought to have the power of appointing to these rangerships, as he believed they were given as equivalents yielded by the Crown. It would not be quite the thing to say that the Royal residences should be let and thus made the most of.

Mr. W. WILLIAMS could not understand why 1,500*l.* should be required to keep up the lodges, when all the duty for parties living in them to do was to open and shut the gates.

Vote *agreed to;* as were the following:—

(3.) 121,249*l.*, New Houses of Parliament.

(4.) 8,320*l.*, General Repository for Public Records.

(5.) 10,000*l.*, Stationery Office.

(6.) 89,396*l.*, Holyhead Harbour.

(7.) 170,000*l.*, Harbours of Refuge.

Mr. W. WILLIAMS said, that there was a charge of 80,000*l.* for works at the Channel Islands, and he wished to know how and on what island the money already expended had been laid out.

Mr. G. A. HAMILTON said, the particulars would be found in a return which had been presented to the House during the present Session.

Mr. THORNELY said, that the whole amount from first to last which had been spent upon Harbours of Refuge was between 2,000,000*l.* and 3,000,000*l.*, which he considered a great deal too much for such an object.

Mr. W. WILLIAMS believed that the money spent in the Channel Islands was sunk, not upon Harbours of Refuge, but upon fortifications. The whole extent of the outlay was quite astounding.

Mr. STAFFORD said, it was one thing to determine whether it was wise to commence these undertakings, and another to say that it would be prudent to stop works which were partly completed. He had visited the Channel Islands since his appointment to the office which he now held, and he could state that nine-tenths of the works were really required for Harbours of Refuge, which, without doubt, when completed, would be highly useful. But if these works were not completed, all the money which had been already spent upon them would be thrown away.

Mr. W. WILLIAMS said, the hon. Gentleman the Secretary for the Admiralty had put it to them whether it would be wise for them to abandon works which had cost so large a sum, or to go on expending more in finishing them. Now, he believed that if justice was done to the people, they would abandon those works at once, and save the money which he was sure would never be of any advantage to the public.

Mr. STAFFORD said, that the hon. Member was very much mistaken in supposing that any considerable amount was spent upon fortifications in the Channel Islands. There was, it was true, a fortification at Alderney; but nine-tenths of the expenditure, as he had just stated, both at Alderney and at Jersey, were for Harbours of Refuge, and all the money hitherto spent upon these would be useless unless the works were completed. The fortifications at Jersey were not even begun. There was a sum of 50,000*l.* appropriated for Alderney, and 30,000*l.* for Jersey. The periods of completion would depend upon the money voted on account of the works by this House.

Mr. W. WILLIAMS would ask the hon. Gentleman to state what was the amount of the original Estimate, and how much money had been already voted.

Mr. STAFFORD replied, that the original Estimate of the works at Alderney was 620,000*l.*, and for those at Jersey 700,000*l.* There had been spent at Alderney 195,000*l.*, and at Jersey 192,000*l.*

Mr. W. WILLIAMS said, he still was of opinion that it would be better to abandon the works, which could never be of public advantage to the hundredth part of what they would cost.

Vote *agreed to*; as were also—

(8.) 1,351*l.*, Port Patrick Harbour.

(9.) 35,865*l.* Public Buildings, &c., in Ireland.

Mr. VERNON SMITH wished to call attention to the fact that of this sum 13,000*l.* was appropriated to the erection of a new Custom House and Post Office at Belfast. He thought this Vote ought to be confined exclusively to the maintenance and repair of existing buildings; that new erections should form the subject of a separate Vote.

Mr. G. A. HAMILTON admitted the public convenience would be better consulted by that arrangement, but the sum was placed under this head that the whole amount for public buildings might be seen at once.

Mr. W. WILLIAMS said, with reference to the Estimate of 684*l.* for the Queen's Colleges at Belfast, Cork, and Galway, he believed it was distictly understood, when Sir Robert Peel brought in his Estimates for these colleges, that both their erection and maintenance afterwards were provided for, and that no money would be required beyond the sum then agreed to. This charge, however, was brought forward year after year, and, though the amount was not large, he objected to it on principle. Then there was the Royal Irish Academy, the amount estimated for which was set down at 3,076*l.*

Mr. G. A. HAMILTON said, that with reference to the last item alluded to by the hon. Member, the lease of the house in which the Royal Irish Academy were located expired last year, and an arrangement was therefore made by which a new house was provided. There could not be a more useful, interesting, and important institution that this was. With regard to the Queen's Colleges, the fact was that in the Act of Parliament by which they were established, no provision was made for their maintenance; and the sum of money originally voted out of the Consolidated Fund for the erection of these colleges having been expended, some means had to be taken for repairing and maintaining them. The sum proposed to be devoted to this object in the Estimates before the House, was a very small one, and he could not imagine that it would be refused.

Mr. W. WILLIAMS said, that he noticed in this Vote a charge of 3,900*l.* for Phœnix Park. There was, in another Vote, a similar charge on the same subject, he wished to know how that arose.

Lord SEYMOUR said, that the one amount related to objects connected with the recreation of the public; and the other to Vice-Regal lodges and expenditure connected with the Lord Lieutenancy—charges which it would have been very improper to have mixed up together.

Vote *agreed to*; as were also—

(10.) 11,028*l.*, Kingston Harbour.

(11.) 95,800*l.*, Two Houses of Parliament.

MR. W. WILLIAMS said, he must again complain that the Votes connected with this department were constantly increasing. In 1844, the whole sum voted was 757,000*l.*, while this year the Estimate amounted to 1,032,000*l.* He could not understand how the Vote should have increased to such an extent since 1844.

SIR DENHAM NORREYS wished to call the attention of the noble Lord the Commissioner of Works to the state of the Parliamentary buildings. At present Westminster Hall was running with water, and there was hardly a part of the House where leakages were not occurring. He also wished to know whether there was now a sufficient supply of water in case of fire? They all knew that expensive works had been erected in Orange-street to furnish a supply of water to the Houses of Parliament in case of fire; but when a case of fire did occur last year, it was found that no water was forthcoming.

LORD JOHN MANNERS said, it was impossible but that in the present state of the building, defects would arise from time to time; but when complaints were made, they were invariably attended to. With regard to the supply of water in case of fire, he believed that an ample supply was now provided.

LORD SEYMOUR said, it was true that about a year and a half ago a deficient supply of water did exist, but since that time he had given directions that the water should be gauged twice a day, and that the report should be sent up to the Office of Works every week. This had been constantly done, and there was now no fear of there being an ample supply of water in case of emergency.

Vote *agreed to*; as were the following:—

(12.) 54,400*l.*, Treasury.

(13.) 26,550*l.*, Home Department.

(14.) 67,735*l.*, Foreign Department.

(15.) 38,815*l.*, Colonial Department.

(16.) 65,320*l.*, Privy Council Office, &c.

(17.) 2,680*l.*, Lord Privy Seal.

(18.) 23,150*l.*, Paymaster General.

(19.) 6,326*l.*, Exchequer.

(20.) 22,820*l.*, Office of Works and Public Buildings.

VISCOUNT DUNCAN wished to make one or two remarks on this Vote, which was one that was proposed for the first time. The Committee would recollect that last year a Bill was introduced, by which the office of Public Works was separated, and properly separated, from that of the Woods and Forests. For the separation of these two offices, the public were indebted to the late Government. The point to which he wished to direct the attention of the Committee was, the great expense which had been incurred in consequence of the separation of the two offices. He thought that the separation of the two offices ought to have been attended with some economy; but he found that, before the separation, the charge for the two had amounted to 33,600*l.*, while it had since risen to 43,465*l.*, showing an increase of not less than 10,000*l.* He also found that at the time the change had been effected, a number of old clerks had been discharged on retiring pensions, while a number of new hands had been put in at a great expense to the public. Then, again, it appeared that the sum to be paid to the Solicitor to the Board of Works, and his clerks, amounted to not less than 3,900*l.* a year, and that the sum to be paid to the Solicitor to the Woods and Forests and Land Revenue Department, and his clerks, amounted to not less than 7,000*l.* a year. He certainly thought that those were enormous sums to pay for legal services; and he regretted that the separation of the two offices had been rendered so unpalatable by the addition of about 13,000*l.* a year to the expenses for clerks and other officers.

MR. G. A. HAMILTON said, he believed the noble Lord was mistaken with reference to the increased charge. There were before the separation of the offices seventy-three officers of different kinds, and the salaries amounted to 23,013*l.* The numbers of officers in the Board of Works was twenty-eight, whose salaries amounted to 10,385*l.*; and in the Woods and Forests Department the number of officers was thirty-six, with salaries amounting to 12,596*l.*, making a total of 29,981*l.*; so that, in fact, there was a small diminution in the expenditure. The solicitor's expenses were formerly 10,018*l.*, but now the charge was 3,900*l.* and 5,400*l.*, making together 9,300*l.*

VISCOUNT DUNCAN said, it appeared that the salaries of the solicitors and their officers in these two departments, amounted to 9,300*l.* a year, while the Solicitor to the Treasury received only 2,000*l.* a year. He could not understand why the latter charge should be so much less than the former.

MR. WALPOLE said, that the Vote for the Solicitor to the Treasury did not include the salaries of clerks and other expenses included in the Vote then under their consideration. If all those charges were added to the Treasury Vote, he believed that Vote would amount to 23,000*l.* a year.

VISCOUNT DUNCAN said, the item in the Votes was "Solicitor for the Land Revenue, England and Wales (salary of himself and clerks), 3,250*l.*" Then there came "estimated amount of disbursements, 1,500*l.*" The charge for the "Solicitor for the department of the Royal Forests" was 3,900*l.*, the estimated amount of disbursements being 6,500*l.* The solicitors in Scotland were paid on the average of the three preceding years. The whole principle of paying the Government solicitors required revision.

MR. G. A. HAMILTON said, he was informed that the arrangement for the payment of the solicitors had been made by the noble Lord lately at the head of the Woods and Forests, and that it had been based on the principle that they ought to receive an amount equivalent to their average receipts during a certain number of years.

Vote *agreed to;* as were also—

(21.) 20,645*l.*, Office of Woods, Forests, and Land Revenues.

(22.) 2,761*l.*, State Paper Office.

(23.) Motion made, and Question put—

"That a sum, not exceeding 3,273*l.*, be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1853."

MR. W. WILLIAMS said, he should feel it his duty to take the sense of the Committee upon this Vote. He thought that nothing could be more discreditable than that the public should be charged with the expense of an office created for the management of the funds of our enormously wealthy Church Establishment.

COLONEL SIBTHORP said, he wished to know why it was that a portion only of the expenses of the Commission were included in the Vote?

MR. G. A. HAMILTON said, that that subject had been carefully considered in the year 1847; and it had then been thought that as the duties of the Ecclesiastical Commissioners were not wholly connected with the Church, but embraced such questions as the Tithe-composition, which affected the land, it was but fair that a portion of the expense of the Commission should be defrayed out of the public funds.

SIR BENJAMIN HALL said, he had always objected to this Vote, believing that the Commissioners, out of their enormous revenues, ought to support their own establishment. He remembered that last year the minority who had voted against it had been a large one. He did not think that the public ought to be called upon to bear any portion of the expenses of a Commission which had to manage millions of Church property every year. On that very Commission there was serving one bishop, who, as it appeared from a return lately laid before the House, had an income equal to the united incomes of the Speaker of the House of Commons, the Secretary for the Home Department, the Secretary for the Colonies, the Secretary for Foreign Affairs, and the Commissioner of Customs; while there was serving on it another bishop who had an income equal to the united incomes of the Chief Justice of the Queen's Bench, the Chief Baron of the Exchequer, the Chief Justice of the Court of Common Pleas, and the Serjeant-at-Arms attending that House.

MR. W. WILLIAMS said, he believed the Commissioners had no duties to discharge except duties connected with the management of the revenues of the Church.

The Committee *divided:*—Ayes 45; Noes 28: Majority 17.

Vote *agreed to.*

(24.) 221,361*l.* Administration of the Poor Laws.

SIR HARRY VERNEY trusted the right hon. Gentleman at the head of the Poor Law Board would turn his attention to the improvement of the agricultural population and of the agriculture of the country generally. He should be very glad to see the establishment of an agricultural department, under which many most valuable statistics might be collected. One matter to which he particularly wished to direct the attention of the Committee was the large quantity of uncultivated land in this country. Whilst our poorhouses were crowded with ablebodied labourers, or means were taken to send them out of the country, there were at least 6,000,000 of acres of uncultivated land in England; and within an hour's ride of the place where they now sat there were not less than 30,000 acres of land lying waste. The administration of the Poor Law required to be watched with great vigilance; and he trusted the right hon. Gentleman would display as much energy and perseverance as had been manifested by his able predecessor. The administration of the Poor Law had, he willing confessed, been much improved of late years, but it was yet capable of great changes for the better; and he trusted the attention of the right hon. Baronet (Sir J. Trollope) would be turned to the subject of a change in the Law of Settlement.

Sir JOHN TROLLOPE said, with regard to the Vote now under consideration, there was no increase beyond the gradual increase which might be expected from the increase of business. With respect to the employment of the poor, and their general condition, particularly as it was affected by the Law of Settlement, he could state to the Committee that the subject had engaged a large portion of his attention, and also of the attention of the right hon. Gentleman the Member for Hull (Mr. Baines). In the ensuing Session he should be prepared to take the whole subject into consideration, and hoped to be able to effect a legislative settlement which would be satisfactory to the country and beneficial to the labouring classes. With respect to the cultivation of waste land, that was, in his opinion, a subject on which no Governmental department could enter. It must be left entirely to individual enterprise. He would merely add that he hoped he might be able, at the end of his stewardship, to give as good an account of it as his predecessor had done.

Mr. W. WILLIAMS said, the increase in the cost of Poor Law establishments was really astonishing. In the year 1844, the whole charge, for England and Ireland, was 49,700*l.*; but, in 1847, it amounted to 182,200*l.*; last year, it was 211,500*l.*; and this, 221,360*l.* The greatest increase was in the items with regard to the Irish Poor Law establishments. Last year the items amounted to 46,400*l.*, but in the present to 55,400*l.*

Sir JOHN TROLLOPE said, the increase in the items with regard to Ireland was attributable to the Medical Charities Act passed last year. With respect to England, no new offices or salaries had been created; the increase was owing to the progressive increase of clerks' salaries.

Mr. BAINES said, he thought it an act of common justice to the right hon. Baronet opposite (Sir J. Trollope) to exculpate him from any blame, if blame it was, belonging to so much of the present estimate as regarded the English Poor Law Board. He (Mr. Baines) was solely responsible for it, and he was perfectly willing to avow that responsibility. The increase over the estimate of the preceding year was 850*l.* It arose chiefly from an increase in the salaries of three of the inspectors, which had become an act of common justice in consequence of the additional duties devolving upon them under a recent arrangement. When Lord Courtenay was appointed, at the end of 1850, to the office of Secretary of the Poor Law Board, which he had so ably filled, the inspectorship which he held became vacant. He (Mr. Baines) arrived at the conclusion, after a mature consideration of the subject, that the number of inspectors might be reduced from thirteen to twelve, and he had consequently not filled up the office which had become vacant by Lord Courtenay's promotion. He had certainly hoped that this arrangement would effect a saving of the whole expense of one inspector. It was found, however, in the new distribution of duties which became necessary, that a great amount of additional labour and responsibility devolved upon three of the remaining inspectors, and it had consequently been found necessary to make an addition of 200*l.* to each of their salaries. Even then, the saving to the country effected by the reduction in the number of inspectors amounted to 580*l.* a year, as the hon. Member for Lambeth (Mr. W. Williams) would find on a comparison of the present estimate with that for 1850. In the course of this discussion, the House had had the satisfaction of hearing from the right hon. Baronet the President of the Poor Law Board (Sir John Trollope) a distinct pledge, that he would apply himself to the Law of Settlement, with a view of submitting to Parliament a measure upon the subject. A great mass of information had been collected both by Parliament and by the Board over which the right hon. Baronet presided; and that information was now so full that he (Mr. Baines) trusted the subject would be dealt with promptly and manfully. He (Mr. Baines) believed that it would be difficult to point out any one cause which produced an influence so baneful upon the sanitary, the social, and the moral condition of the humbler classes, as the present law of parochial settlement. He (Mr. Baines) would most cheerfully and unreservedly give to the right hon. Baronet his best aid in carrying through Parliament any improvement of the law upon this most important subject.

Lord NAAS said, he could confirm the statement of the right hon. Baronet (Sir J. Trollope) as to the increase on the Irish Estimate being occasioned by the Medical Relief given under the sanction of the Act passed last Session on the subject.

Sir WILLIAM SOMERVILLE said, that the Estimate was in a certain degree retrospective, and included the salaries of officers under the Irish Poor Law Board for a year and a quarter.

Mr. HINDLEY thought that this Vote should be passed as quickly as possible, for he observed in the public prints that a cheque of the Poor Law Secretary had been refused payment at the Bank of England, because the supplies had not been granted.

Mr. W. WILLIAMS thought that the Poor Law officers in Ireland ought not to be paid so highly as those in England, who had more onerous duties to perform.

Vote *agreed to;* as were the following:—

(25.) 36,439*l.* Mint.

(26.) 11,668*l.* Public Records.

(27.) 15,190*l.* Inspectors of Factories, Mines, &c.

Mr. HINDLEY said, he wished to point out to the Committee that in some districts the provisions of the Factory Act were being violated with impunity. He hoped that the right hon. Secretary of State for the Home Department would pay attention to this matter, for this violation of the law had given much dissatisfaction.

Mr. WALPOLE said, the hon. Gentleman was quite right in stating that there were certain districts in which the Factory Act had not been properly observed; but these districts were few in number. A deputation had lately waited upon him on the subject; and, in consequence of the information which he had received, he had despatched inspectors to those districts where the law had been more notoriously violated than in others; and, if necessary, proceedings would be immediately commenced against the proprietors of such mills. If the law required amendment, Parliament would be asked to make the law sufficiently stringent.

Mr. BRIGHT said, he hoped the right hon. Gentleman did not intend to instruct the Factory Inspectors to work the law in a more rigid and annoying mode than at present. It was easy to say that the law in all cases was not carried into effect; but where was the law that was? He could bear testimony to the activity of some of the Sub-Inspectors. He had heard of one leaving his gig in a road or lane, and scrambling over hedges and ditches, for the purpose of sneaking into the neighbourhood of a mill before he could be discovered. Another Sub-Inspector, the son of a bishop, he believed, was observed running a race with two factory girls; but he was beaten by the girls, who got to the factory first and gave intelligence of his coming; for it was not only the employers, but the working people themselves, that were irritated by the mode in which the inspection was carried on. The inspectors were not generally persons who knew so much about their business as they ought; and he warned the right hon. Gentleman against issuing instructions to them to make the law more galling than it now was in many cases, because that would interfere with the present somewhat harmonious action between the employers and the employed, in reference to a law against which he had not a word to say.

Mr. WALPOLE said, it was not the intention of the present Government more rigidly to enforce the law, but it was the intention of the Government to see that the law was duly observed. The hon. Member (Mr. Bright) was probably not aware that the information with respect to the few instances in which the law was violated, reached the Government in the first instance, not from inspectors, but from master manufacturers in Manchester, afterwards from the working people themselves, and, subsequently, from a deputation, which had waited on him. The law was violated in distant places by working overtime, so as to make the labour hours of children longer than they ought to be; and the moment an inspector went down by train or carriage to inspect the mills, it was found that information was given at the factories, and whatever was contrary to law was stopped before the inspector could obtain admission. If the present law was to be the law of the land, it was only proper that it should be observed, and that the manufacturers who obeyed the law should not be subject to an undue competition with other manufacturers, in distant places, infringing the law by working children beyond time.

Sir JOHN TYRELL said, in reference to accidents by machinery at mills, that the official report showed they had occurred to the number of 2,800. He imagined that if this horrible amount of maiming had taken place in agricultural districts, the hon. Member for Manchester would not have been so silent on the subject.

Mr. BRIGHT said, perhaps the hon. Baronet was not aware that Mr. Horner himself, one of the Factory Inspectors, had intimated to the Secretary of State for the Home Department that it would be advisable to alter those clauses of the Factory Act which related to accidents. At present accidents of the most trifling nature must be reported by the surgeon to the inspectors, and by the latter to the Home Office. A smaller number of accidents of a serious character happened to those engaged in the cotton factories, than to an equal amount of working people in any other occupation whatever. When in the lapse of time thrashing machines worked by steam should be used in Essex, the hon. Baronet would then find that they could be worked without giving rise to all those accidents which he conceived to be the necessary consequence of machinery.

Sir JOHN TYRELL trusted that the agriculturists in Essex would at any rate never be found watching the railway trains, when inspectors were sent down, for the purpose of defeating justice.

Vote *agreed to.*

(28.) 1,700*l.* Officers in Scotland.

Mr. W. WILLIAMS said, he could not understand why a charge should be made under this head for Her Majesty's Limner and Clockmaker. There were also items for the Queen's Plate, to be run for at Edinburgh, the Caledonian Hunt, and the Royal Company of Scottish Archers. He could not admit that the people of this country should be taxed for these purposes, especially for the purpose of horseracing, and, though he would not divide on the present occasion, he should certainly take the sense of the Committee against the item of 1,574*l.* in the next Vote for fifteen Queen's Plates, to be run for in Ireland.

Colonel SIBTHORP said, he must express his dissent from the remarks of the hon. Member, who, it was evident, was no sporting character. He (Colonel Sibthorp) thought it not undesirable to afford some amusement to the people, especially the lower classes, who took great delight in horseracing; which, besides, tended to promote the breed of horses, and increase the consumption of the produce of land.

Vote *agreed to.*

(29.) On 6,464*l.*, Household of Lord Lieutenant of Ireland.

Mr. W. WILLIAMS said, there was a long list of the officers of the Household. There was one item which ran as follows:—*257l. 17s.* for two gentlemen "at large." Now he should like to know what their duties were. Then there was *250l.* charged for the Lord Lieutenant's Master of the Horse. Why, what a farce was this list of regal attendants attached to such a trumpery office as that of Lord Lieutenant of Ireland, which it was most desirable should be abolished. There was a charge of 1,574*l.* 6*s.* 2*d.* for fifteen Queen's Plates for horse races in Ireland. The hon. and gallant Gentleman opposite (Colonel Sibthorp) had said that horseraces tended to improve the breed of horses; but he believed that the people of Ireland thought that the good was much counterbalanced by the immorality produced by horseracing. The public feeling was outraged by being called upon to patronise horseracing by grants from the National Exchequer. If Ireland wanted horseraces, let her contribute the expense by private subscription, as was done in this country.

Mr. G. A. HAMILTON said, the hon. Member for Lambeth was very much mistaken if he supposed that the people of Ireland had a strong moral objection to horseraces. No people on the face of the earth enjoyed that sort of amusement more than they did. With regard to the office of Lord Lieutenant of Ireland, he must also say that the hon. Gentleman laboured under a mistake. There was no subject with respect to which the people of Ireland had expressed so decided an opinion. They were unanimous in the opinion that that office should be retained. That was proved when the subject was mooted two years ago. So strongly was their opinion on that subject expressed, that the Government then in office deemed it advisable to abandon the Bill which they had introduced for the abolition of that office. The centralised system was in bad odour at the other side of the Channel.

Mr. STANFORD thought that horseracing was an innocent amusement. It was an innocent amusement which tended to improve the breed of our horses, and that was a matter of no small moment, for we exported horses to every part of the world. As the subject of horseracing had been introduced, he would ask for the indulgence of the Committee for a few moments whilst he adverted to the demoralisation consequent upon the numerous "betting shops" in the metropolis. Since he had brought this subject under the attention of the right hon. Secretary of State for the Home

Department he had received numerous communications respecting it from chaplains of gaols and stipendiary magistrates in London. Mr. Serjeant Adams, chairman of the Middlesex Sessions, had written a letter to him in which he stated that the "betting shops" were producing the most mischievous results. A tradesman of Great Russell-street, in a letter which he had written to him on the subject, stated that there were no less than four betting-shops in that street, that he had observed a thousand persons pass out of one of them in an hour and a half, and that the conduct of their frequenters was such that it was almost impossible for a lady passing in front of the shops to escape insult. He wished most earnestly to call the attention of the Secretary of State to these nuisances. The "Derby sweeps" had been put down by the magistrates refusing those publicans who encouraged them, a licence. He thought some system might be devised whereby those receptacles of blacklegs and blackguards might be abolished. They certainly had a most demoralising tendency.

Sir De LACY EVANS said, he had received several letters from his constituents on the subject. He did not expect that in the present position of affairs the Government could devote much of their time to "betting-houses;" but he thought something ought to be done as soon as possible to suppress this disgraceful nuisance.

Sir WILLIAM JOLLIFFE said, the attention of the Government had been drawn to the subject. He believed that this evil greatly militated against the welfare of the lower classes, and the mode of suppressing it engaged the anxious attention of the Government.

Mr. W. WILLIAMS believed the best and most effectual mode of suppressing the evil was to put down horseraces altogether. However, not considering the present Government responsible for the items in the Estimates, and seeing that he had no chance of a majority, he would not divide the Committee. But he must state that he objected most strongly to the pay of the gentlemen ushers and gentlemen at large of the Lord Lieutenant of Ireland. He wanted to know of what use were "gentleman at large?"

The CHANCELLOR of the EXCHEQUER: "Gentlemen at large" are so called, because they are free, or "at large," to act upon the orders of the Lord Lieutenant.

Sir De LACY EVANS said, he did not think the explanation a satisfactory one.

Vote *agreed to;* as were also the following Votes:—

(30.) 22,563*l.*, Chief Secretary's and Privy Council Offices (Ireland).

(31.) 6,051*l.*, Paymaster of Civil Services Office (Ireland).

(32.) 32,013*l.*, Board of Public Works (Ireland).

(33.) 32,000*l.*, Secret Service.

Colonel SIBTHORP said, that ever since he had a seat in that House he had constantly opposed the voting of any money for secret purposes, and he must now renew his protest against it. He maintained that no money ought to be taken out of the pockets of the people without the people receiving an account of how that money was expended. If the Government wanted a sum for any necessary purpose, let them come forward openly and state its object. He would never lend his sanction to anything that was not all fair and above board.

Mr. MACGREGOR said, there was hardly a petty Court in all Europe which did not spend a larger sum than we did for what was called Secret Services, but which in reality were not secret. He knew from official experience that the money was every shilling of it well laid out in obtaining information most important for the State, and having reference to the navigation and commerce of the country, which information could not be had by any other means. He need not refer to the vast sums voted by Austria, Russia, or France for these purposes; but the United States of America and all the free Governments of Europe entrusted their Executive with much larger votes than we did for acquiring this necessary information.

Sir GEORGE PECHELL still thought that the country was entitled to an explanation of the disposal of this Secret Service Money. He wished to know if there was any probability of this item being decreased in future years?

The CHANCELLOR of the EXCHEQUER thought it was rather strange to say, "We will give you a vote of Secret Service Money if you will let us know how it is spent." Certainly it could be no longer a vote for Secret Services if the Committee was to be told exactly for what various sums were wanted. The proper course would be for the Committee to pass a resolution that there should be no further voting of money for Secret Services. He agreed with the sensible observation of the hon. Member for Glasgow (Mr. Macgregor), and no one would deny that there was no other first-rate Power which did not spend quadruple, and even quintuple, the amount of our Secret Service Vote, which was only 32,000*l.* In troublous times the Foreign Department alone had not only been obliged to spend the whole of that sum, but a much more considerable one; whereas the Vote now before the Committee was for the Secret Service of all the departments of the State. Nor was it all applied for present purposes; there were many pensions to the widows and relatives of persons who had formerly given important information to the country, which had now to be defrayed out of this sum of 32,000*l.* As to there having been no diminution in the amount, he had in his hand a statement of the annual sums voted for a series of past years, and with the exception of the last year, when the vote was the same as the present, the amount had never been so small as it was now since the year 1822. Yet the hon. Baronet (Sir G. Pechell) could not fail to remember the extension of commerce and the increase in the population of the country which had occurred since 1822—circumstances which necessarily multiplied the demand for information which the State had the means of supplying, but the measures employed in procuring which it was inexpedient that the Administration should publicly promulgate. Instead, therefore, of looking upon this vote with supicion, the hon. Baronet ought rather to see in the fact that a country of the great power and importance of England expended much less for the Secret Service of its Government than any other first-rate Power of Europe or America, cause for congratulation and for confidence in the stability of our institutions. In addition to what he had stated, it must be remembered that not a single shilling could be expended except under the warrant of a Secretary of State. Every Secretary of State was personally responsible for the money expended in his department; and, looking at the smallness of the sum, the importance of the service, the manner in which it was expended, and the vouchers offered at the Audit Office, with the securities for good administration thereby ensured, he could not think the Vote ought to be looked upon with suspicion.

COLONEL SIBTHORP said, he was not convinced by the speech of the right hon. Chancellor of the Exchequer, who was naturally ready to justify any expenditure of the public money.

The CHANCELLOR OF THE EXCHEQUER said, it was a great mistake to suppose that a Chancellor of the Exchequer was always disposed, from his position, to defend any expenditure of the public money. On the contrary, he would naturally be always anxious to oppose it. Really nobody should understand the value of money, or the necessity for the strictest economy, so much as the Chancellor of the Exchequer, because, from his daily experience of the innumerable applications that were made to him, he must always be painfully impressed with the poverty of his means.

MR. F. SCULLY thought the Committee need be under no difficulty in understanding how this Secret Service money was applied, as far, at least, as the sister country was concerned. The recent Motion of the noble Lord (Lord Naas) now the Chief Secretary for Ireland, must have thrown very considerable light upon that point. They had all heard how certain newspapers had been hired to write in support of "law and order." He objected to the principle of voting public money for such a purpose, and he hoped the Committee would feel it to be its duty to guard against the recurrence of such transactions. He trusted the present Government would carefully abstain from engaging in them.

The CHANCELLOR OF THE EXCHEQUER: I certainly have no hesitation in telling the hon. Gentleman that it is not the intention of Her Majesty's Ministers to make any investments of the kind he has referred to in the cause of law and order. I appreciate, and appreciate probably as much as any person in this House, the influence of the press; but I have always observed this, that there is no newspaper whoee support is worth having, that will give its support from corrupt considerations.

MR. MACGREGOR said, he believed every shilling paid by the Lord Lieutenant of Ireland to the editor of the *World* newspaper was paid out of Lord Clarendon's own pocket.

SIR DE LACY EVANS believed a portion of that money was at first taken from the Secret Service Fund, but that ultimately all came out of the Lord Lieutenant's pocket. He entirely agreed in the remarks of the right hon. Gentleman the Chancellor of the Exchequer as to the value of an uncorrupted press, and was glad to see that Birch had met condign punishment.

Mr. F. SCULLY said, there could be no doubt but Birch was, in the first instance, paid out of the Secret Service Money.

Mr. W. WILLIAMS said, it was rather strange to hear the hon. Member for Glasgow (Mr. Macgregor) justifying the example of England by that of despotic Governments.

Mr. MACGREGOR said, he had, in an especial manner, referred to the Government of the United States.

Vote *agreed to;* as were also the following Votes:—

(34.) 216,509*l.*, Stationery and Printing.

(35.) 21,000*l.*, Law Charges, including Mint Prosecutions.

(36.) 17,700*l.*, Sheriffs' Expenses, &c.

(37.) 8,830*l.*, Insolvent Debtors' Court.

(39.) 121,163*l.* Law Expenses (Scotland.

Mr. COWAN said, that the salaries of the seventeen procurators fiscal, which were fixed, appeared to amount to 11,130*l.* Now he wished to know whether the diminution in the cost of criminal prosecutions, which was expected to arise from paying these officers by salary instead of fees, had in fact taken place; for he saw that there was an increase of 36,000*l.* in the whole Law Expenses for Scotland as compared with last year.

Mr. G. A. HAMILTON said, that as the salaries of the present procurators fiscal were fixed upon an average of the fees for the five years preceding the change of system, no saving in the sum paid to them could take place during the continuance in office of the present procurators. The saving to be derived from the change was prospective.

Mr. W. WILLIAMS said, that it seemed extraordinary that the Law Expenses for Scotland should be so much larger than for Ireland, which was only 57,909; and he asked for some explanation of the increase on the Scotch Law Expenses as compared with last year?

Mr. G. A. HAMILTON said, the present vote included a sum for arrears and deficiencies, carried over from previous years.

Vote *ageed to;* as were also the following:—

(39.) 57,710*l.*, Criminal Prosecutions, and other Law Charges (Ireland).

(40.) 36,500*l.*, Police of Dublin.

(41.) 240,000*l.*, Charges formerly paid out of County Rates.

(42.) 16,196*l.* Inspection and General Superintendence of Prisons.

Mr. W. WILLIAMS said, that he thought the smallness of the amount of profit derived from the labour of the criminals was not creditable to the management of our prisons. He found, for instance, that the nett produce of the labour of 1,300 persons confined at Millbank was only 4,000*l.* for the year, while the cost of the various officers and teachers required to superintend their labour was 2,638*l.*, leaving a nett profit of only 1,300*l.* upon the whole, or 1*l.* per annum, or about ¾*d.* a day for each prisoner. He thought that was a very sorry result, particularly when it was compared with what was done in America. He was told when he visited the United States, by the Governor of the State of New York, that the labour of the criminals confined in the prison there not only defrayed the whole cost of the establishment, but left a surplus, which would in ten years actually pay the expense of the erection of the prison.

Mr. SLANEY said, that free labour being worth twice as much in the United States as here, it was evidently much more easy to make a profit upon forced labour in that country. The great difficulty we had in England was to prevent labour carried on in prisons and workhouses competing injuriously with free labour.

Sir HARRY VERNEY said, he was of opinion that the great object of prisons—the punishment of criminals—was not sufficiently kept in view in some of these establishments, and that the discipline was not of adequate severity.

Mr. F. SCULLY thought the reform of the criminals was the great object to be kept in view in prison discipline. He thought it was the duty of the Government to encourage the employment of the prisoners in useful and profitable labour; for the experience of some of the Continental prisons had shown that to instruct criminals, particularly juvenile criminals, in some useful trade was a most efficient means of inducing them to pursue a course of honest industry after quitting the prison.

Mr. CHISHOLM ANSTEY said, he fully concurred in this view of the case. The expenses of gaols and other convict establishments at home and abroad were alarmingly on the increase, which he attributed to the recommendations of the

Prison Committee over which Mr. C. Pearson had presided, not having been carried out. The fact was, that the visiting justices took it upon themselves, acting generally upon the reports of the chaplains, to dispense with portions of the sentence. This took place wherever the prisoners showed any signs of repentance—whenever their "hearts appeared to be touched," and the reformation which took place under the circumstances was something quite wonderful. He suggested that some limit should be put to the power of the justices in this matter, for wherever it had been exercised to the prejudice of strict prison discipline, crime had increased.

Mr. PACKE said, that in the prison in the county with which he was connected, discipline of a most wholesome and reformatory character had for the last few years been enforced, and the consequence was, that whereas criminals used to return to them over and over again, they now very rarely returned a second time.

Mr. SLANEY said, that he did not object to discipline of a reformatory character being adopted in our prisons, but he thought it was quite vain to expect that prison or workhouse labour could compete with free labour without that assistance from the county or poor-rates which he did not think it was fair to give.

Sir WILLIAM JOLLIFFE said, that in consequence of the difficulty of disposing of our convicts which had been felt for the last few years, the Government had been driven to increase the convict establishments both at home and abroad, which had necessarily led to an increase of expense. The adoption of a system of discipline of a reformatory character had also tended to increase the charge. The convict was now kept in solitary confinement for a year; he was then sent to one of these establishments, where he was kept to hard labour for a year and a half, and then if his conduct had been sufficiently good, he was sent out to a Colony with a ticket of leave, or under such regulations as the Secretary of State might appoint. All this entailed additional expense, but he trusted that the system was operating beneficially upon the persons submitted to its influence. A portion of the Vote for the Convict Establishments for the present year was for the cost of the new prisons; for instance, that at Dartmoor (which was only occupied in the spring of 1851), and that of Portsmouth. During the period that the prisoners were undergoing solitary confinement, they were in some instances allowed to labour, but in others not. While undergoing this part of their sentence, they were subjected to a moral discipline to prepare them for the subsequent portions of it.

Sir CHARLES BURRELL thought it most desirable to employ prisoners in some profitable work—first, because, if they did nothing, the pressure upon the rates would be heavier; and, secondly, because the best way to make prisons distasteful would be to keep people hard at work while they were there.

Captain SCOBELL hoped, if this subject were to be inquired into, that the dietary question would not escape attention. In some places it was on a scale which positively made prisons attractive, and in the county where he acted the magistrates frequently sentenced prisoners to only two or three weeks' imprisonment, when they might give them much more, because the diet increased so rapidly after that period that these persons thought it a good thing to be in prison. It was well known that the prison dietary was far superior to that of the workhouse, and he believed also beyond that of the peasantry of this country generally.

Mr. JACOB BELL said, he fully concurred in the observations of the hon. and gallant Member for Bath with reference to the superiority of the prison over the workhouse dietary, and he would instance, as a proof of it, the fact that paupers frequently broke the workhouse windows in order to be sent to gaol.

Mr. CHISHOLM ANSTEY said, it too frequently happened as he had previously mentioned, that, instead of carrying out the sentences on prisoners, those men were given up to the care of the chaplain, or some other inspector of morals, who, after a while, says the hearts of those prisoners are beginning to be touched, and they are then sent to a better dietary; and, of course, under those circumstances, an immense number of conversions are constantly taking place. He thought it would be much better if the prisoners were employed in some useful labour, which would occupy the whole of their time, and which would contribute in some degree to defray the enormous expense to which they put the country. In Reading gaol, for instance, the inmates were infinitely more comfortable than paupers in a workhouse.

Mr. STANFORD said, that he thought that the philanthropic portion of the community who recommended that prisoners should be better treated, and better fed, and be relieved from all hard labour, committed a great mistake, and were guilty of injustice to the honest and industrious poor. In Reading gaol, which was regarded as a model prison, there was no hard labour, but a reformatory system was adopted. He looked upon that as a kind of inverted process, which first allowed a man to commit flagrant delinquencies or gross crimes, and then fed and clothed him, learnt him habits of cleanliness, and provided him with mental entertainment. It was, in fact, offering a premium for the commission of crime, placing a criminal in a position which was infinitely preferable to that of the inmates of workhouses. The hon. Member for Shrewsbury (Mr. Slaney), whose exertions in favour of the working classes he was always ready to admit, had enunciated a principle against employing prisoners in gaols and paupers in workhouses, which was so dangerous in its character, that it ought not to be passed *sub silentio*. He said, if they allowed a shoemaker or tailor to exercise his trade, while supported by the county rate, they would bring his labour in competition with that of the honest and unassisted workman. Now he (Mr. Stanford) would refute that assertion by putting a case, which, he contended, was irrefutable. Supposing forty persons had to contribute to the maintenance of five others, who were tailors, shoemakers, or belonged to other trades, would it not be to the advantage of the former to allow the five to exercise these trades, and then to sell the produce of their labour, and apply the funds to the diminution of the expense incurred for their maintenance? It was a gross fallacy to permit the inmates of workhouses and prisons to lead an entirely indolent life, on the ground that if they were employed, their labour would be brought in competition with that of other portions of the community.

Mr. SLANEY said, he was of opinion that the inmates of the workhouses ought to be constantly employed; but not on labour of that nature which, by the aid of parish bounty, might be brought in competition with the free labour of others. Every one who considered the subject, found that to be a very embarrasing question.

Mr. JACOB BELL said, that the injurious competition which had been adverted to depended on the goods being sold for half the price for which they could be obtained by free labour.

Vote *agreed to.*

(43.) 261,522*l.* Government Prisons and Convict Establishments at Home.

Mr. CHISHOLM ANSTEY said, if the system of transportation, which this money kept alive, were beneficial to the mother country and the Colonies, he would be the last man to object to the Vote; but he believed, that instead of acting as a warning to persons at home, the punishment of transportation was looked upon as leading to a life of comfort, if not of affluence, in another land. He considered that the system of transportation had signally failed; and that at present a strong incentive was held out to criminals to risk detection for the purpose of being sent to the neighbourhood of the gold fields. So strong was this impression in the Australian colonies, that the colonists, who had formerly been the strongest agitators against the continuance of transportation, had lately ceased to make any active opposition to the system, because they believed it impossible that the Government could hesitate a moment as to the expediency of immediately abolishing transportation. The temptation to free emigration, in consequence of the discovery of the gold-fields, was pretty strong, but he believed the temptation to crime was equally strong. The Government had reduced the military force in New South Wales, and the consequence was, that the Governors now dreaded an armed invasion of convicts from the penal settlements of Van Diemen's Land, while they had not force enough at their disposal to keep order. By continuing the present system, they were ruining Van Diemen's Land, and endangering the existence of neighbouring Colonies, while at the same time crime increased instead of diminished.

Mr. SLANEY said, that while they were boasting of the prosperity of the country and of the comfort of the people, an immense increase of criminal offences had of late years taken place in this country, and a material addition to the cost of convict establishments had consequently ensued. In 1805 the number of persons committed or held to bail in England and Wales was 4,600; in 1815 it was 7,800; in 1821, 16,500; in 1831, 19,600; in 1841, 27,740; and in 1848, 30,300. He believed the cause to be, that while the comfort and prosperity of the rich and middle classes had increased, the comfort of the humbler classes had not increased in the same proportion. He thought they were mistaken in supposing that mere imprisonment would prevent the increase of crime; that object could only be attained by improving the condition of the youth of the country, and by giving them a religious education.

Vote *agreed to.*

(44.) 159,953*l.* Maintenance of Prisoners in County Gaols, &c.

Mr. W. WILLIAMS said, it was astonishing to see the increase in every one of these items. In this item alone there was an increase of 40,000*l.*; in the next, of 17,000*l.*

Mr. G. A. HAMILTON said, that one cause of the increase was the increase of prisoners; another cause was an additional amount for their maintenance. These were the principal causes of the increase.

Sir HARRY VERNEY said, he considered that a large proportion of the expenditure for the maintenance of prisoners might be avoided, if greater efforts were made, particularly in the agricultural and rural districts, for the prevention of crime. He thought more attention should be given to the selection of the county police. In rural districts he found that great laxity had obtained in this respect.

Mr. F. SCULLY wished to know how it was that while there was an increase of 38,000*l.* in these Estimates for England, the increase was only 2,000*l.* for Ireland. Was it owing to the smaller increase of crime in the latter country? This was a gratifying view for his country.

Sir WILLIAM JOLLIFFE said, the fact was, the sum in both cases was as nearly as possible alike. The prisoners in borough gaols, as well as those in county gaols, were now supported out of the Consolidated Fund, it having been felt that an injustice was done to the boroughs, and this accounted for the greater part of the increase. A further sum was also incurred in sending out 100 boys to the Colonies.

Vote *agreed to.*

(45.) 101,041*l.* Expenses of Transportation.

Mr. CHISHOLM ANSTEY said, there was an excess of 3,000*l.* in this Vote over that of last year. Some of the difference might be accounted for by arithmetical errors in the Estimates of last year—a proof of the slovenly manner in which these things were got up. There was an item for religious instructors for the convicts. This duty used to be discharged by the surgeon-superintendents; he presumed the parties now employed were not clergymen, but Scripture readers; and their presence might be apt to cause insubordination on shipboard. He doubted very much if any advantages would arise from the employment of this class of instructors. A sum of 2,000*l.* was charged for those persons, including retiring allowances.

Sir HARRY VERNEY said, he was glad that there had been no response to the remarks of the hon. and learned Member in condemnation of the religious instructors.

Vote *agreed to.*

(46.) 253,587*l.* for Convict Establishments in the Colonies.

Mr. CHISHOLM ANSTEY said, there was here another increase of 70,000*l.* over last year: surely some explanation would be given for this enlarged expenditure. The items showed that there was great want of economy; 6,087*l.* was a large sum to charge this country for providing religious instructors for the convicts of Van Diemen's Land, which had three places of worship of the Established Church. There was not a district in the island which had not a beneficed clergyman; so that the convicts had ample spiritual assistance. Let them compare the state of things in this Colony with Bermuda and Gibraltar, in which there were many convicts. He believed that 300*l.* would be sufficient to meet any useful purposes intended by the Vote.

Sir WILLIAM JOLLIFFE explained that the increase in the Vote was owing to its being found necessary to have a new convict establishment in Western Australia, where there were now 1,450 convicts. With regard to the salaries and allowances for religious instruction to which the hon. and learned Gentleman (Mr. C. Anstey) objected, he begged to say that there were only three Colonies in which the expense was incurred, namely, Bermuda, Gibraltar, and Van Diemen's Land. In New South Wales and Western Australia no public provision had yet been made for the religious instruction of the convicts. He was sure that the House and the country would not agree with the hon. and learned Gentleman, that although there were 21,000 convicts in Van Diemen's Land, it was only necessary to provide religious instruction for 4,000.

Mr. TUFNELL said, that by the Estimates, it appeared that there were 1,450 convicts in that Colony, and yet the salaries of the convict officers amounted to 15,200*l.*; perhaps the right hon. Baronet the Home Secretary could account for that?

Sir JOHN PAKINGTON said, that this was the first year of the new establishment in Western Australia, when larger expenses would necessarily be liable to be paid, that were not to be properly included in the usual current expenses of the establishment. Moreover, the establishment had been built for a much larger number of convicts than was now in occupation of it; and, taking all things into account, the sum sought in the Vote did not form a fair criterion of what were to be the average annual expenses under this head. However, his attention had been called to the large amount of the expenditure which was incurred in these Colonies, and he would see whether by any means it could be reduced.

Sir WILLIAM JOLLIFFE said, that this year's Vote for Western Australia included, also, certain arrears of expenditure incurred last year.

Mr. CHISHOLM ANSTEY said, he did not consider that either the right hon. Baronet (Sir J. Pakington) or the hon. Under Secretary (Sir W. Jolliffe) had given a satisfactory explanation of the salaries and allowances for religious instruction. If New South Wales and Western Australia made provision for that on the voluntary principle, why should not Van Diemen's Land do the same? He found that there was an unaccountable increase in other items also. For instance, for stores, repairs of hulks and boats, buildings and repairs of buildings, the Estimate last year was 7,420*l.*, while this year it was 20,703*l.* He retained his objection to the Vote, but he should not give the Committee the trouble of dividing.

Vote *agreed to;* as was also—

(47.) 160,000*l.* Public Education (Great Britain).

Sir ROBERT H. INGLIS then proposed that 52,343*l.* should be voted for the salaries, house expenses, &c., of the British Museum. (This estimate stood No. 12 on the list.)

Mr. W. WILLIAMS said, he objected to taking this Estimate out of its regular order. In fact, he had not expected it would come on that night, and had not had time to examine it.

The CHANCELLOR of the EXCHEQUER stated that the Government had no interest in pressing this Vote; but it had always been customary to allow precedence to the Estimate for the British Museum. The late Sir Robert Peel, and the noble Lord (Lord J. Russell)—greater authorities than he (the Chancellor of the Exchequer) was—had always accorded this privilege to the Estimate for the British Museum.

Mr. LABOUCHERE hoped the Committee would do what they had always done, and allow this Vote to have precedence; but at the same time he must observe that on the present occasion it had not had that precedence it usually had.

Mr. G. A. HAMILTON explained that it was his fault entirely, having at the moment forgotten the usual custom.

Mr. STANFORD said, he had been requested to bring before the Committee the case of certain persons connected with the British Museum, who complained of a grievance to which they had been subjected. The attendants were divided into three classes, one being engaged in the department of antiquities, and others in the departments of natural history, and of manuscripts and literature. By a recent regulation, the three classes were amalgamated, and an attendant, commencing now under the new arrangement at a minimum salary of 50*l.*, would not attain the maximum salary of 105*l.* for a considerably longer period of years than under the old system.

Mr. GOULBURN said, that there was no ground for dissatisfaction to the attendants under the new arrangement, which had been adopted by the Trustees in conformity with the recommendations of the Report of the Committee of that House. That arrangement was, that the attendants should be paid by salary instead of by fees, and that, in accordance with the principle adopted in most of the public offices, persons appointed to offices, as attendants, should enter in the lowest class, from which they could rise, by intelligence and ability, to the highest class. But the trustees, in making that arrangement, stated that it would not apply to those who had been appointed under the old system.

Mr. STANFORD said, he could not accept the statement of the right hon. Gentleman, because he understood those attendants would be affected. They said that the recent change made their position worse, and not better; that the rate of promotion was slower; and that a great many years must elapse before the maximum salary could be attained.

Mr. CHISHOLM ANSTEY said, he must complain that the Vote was taken out of its proper place. He did not think it fair to the hon. Member for Dumfries (Mr. Ewart), who had a Motion on the paper on the subject.

The CHANCELLOR of the EXCHEQUER said, it was the custom to take the vote for the Museum before certain other Votes; and the hon. Gentleman (Mr. Ewart), who was an experienced Member of the House, and who, indeed, was seldom absent from his seat, must have been aware of that circumstance. All that the Government wanted was, that the business should be proceeded with.

Sir ROBERT H. INGLIS said, that he had only followed the precedent of last year. He left it to the Committee to decide whether he should go on with this Vote.

Viscount DUNCAN hoped that if No. 12 was to be taken first on this Vote, it would in future be placed as No. 1.

The CHANCELLOR of the EXCHEQUER would take care that this should not occur again, but he had only followed the precedent of former years.

Mr. W. WILLIAMS said, he had reason to complain that this item was taken out of its order, but, as he had no objection to the Vote itself, he would not oppose its being proceeded with.

Mr. CHISHOLM ANSTEY said, that if the Vote was persisted in, he would move that the Chairman report progress.

Vote *postponed.*

(48.) 164,577*l.* Public Education (Ireland).

Mr. W. J. FOX begged to inquire on the subject of Education, whether the Grants for Education would continue to be distributed on the same principle as last year? It was desirable that some statement should be made on the subject, considering the change of Administration which had taken place, more especially as it was believed that the views of the present Government were not altogether coincident on the subject of Education with those of former Governments. He did not know an opportunity so fitting as the present for a statement of their intentions.

Mr. WALPOLE said, the question which the hon. Member for Oldham had asked was, whether any change was intended to be made relative to the system of National Education in Ireland? One or two questions had already been asked of the present Government since it came into office on that subject, and the answer which had been given was, that with respect to the combined system of education in Ireland, so far as it could be carried out, it was the wish of the Government to further and promote that object. But in endeavouring to carry out that system, he might say that hitherto an injustice had been done. Certain members of the Established Church in Ireland, who from conscientious motives objected to the mode in which a portion of the grant was applied, complained that they did not receive any aid from the grant in support of the schools immediately conducted under their notice. In addition to that, another objection was raised with reference to the peculiar encouragement given by the Government to those who adhered to the national system; for while all those who supported the national system were patronised by the Government, every minister of the Established Church who conscientiously differed from that system was not only precluded from taking any portion of the grant, but was also precluded from any chance of preferment in the Church. The effect of this was to exclude 1,700 out of 2,200 of the clergy of the Church of England in Ireland from all chance of ecclesiastical preferment, although many of them were in other respects strong supporters of the late Government. These objections prevailed in the Established Church of Ireland to a great extent—first, as to the mode in which the money was applied — an objection which was strongly and often urged—the answer of the present Government as to any change in that respect was this, that certainly with a view of encouraging members of the Established Church as well as members of every other religious body in promoting education in Ireland, the Government thought that a variation ought to take place from the practice that had previously prevailed in the distribution of the grant. And, with regard to patronage, they thought that upon every principle of justice and fairness it ought to be dispensed in favour of those who conscientiously took objection to the combined system, as well as of those who supported that system. The Government were anxious that those who desired to support the national system should have the combined system carried on; but they did not think that they ought to exclude from sharing in the grant, or from partaking of the patronage of the Government, those who from conscientious motives were opposed to that system.

SIR JAMES GRAHAM said, it had been his misfortune to differ from the hon. Gentleman the Member for Dublin University (Mr. G. A. Hamilton) on former occasions with reference to this Vote; but when he so differed from him, he had to defend a measure of a former Colleague of his, the present head of the Government; and the injustice, if there were injustice in the matter, as alleged by the parties adverse to the grant, was an injustice which was well weighed from time to time. When the Earl of Derby was his (Sir J. Graham's) Colleague, he was not only the author, but the steady defender and supporter of this measure; and he never admitted there was any injustice in the mixed grant.

MR. WALPOLE begged to state that he had never said there was any injustice in the mixed system. On the contrary, he said that the injustice was, that those who objected from conscientious motives to the mode in which the grant was applied, were precluded from any chance of preferment, merely because of their conscientious objection to the mixed system.

SIR JAMES GRAHAM said, he had understood the right hon. Secretary of State to say that there were two objections urged on this subject, and that the second objection was not with reference to the application of the grant, but with reference to the distribution of the patronage of the Government. But it appeared to him (Sir J. Graham) that the right hon. Gentleman implied that there was also injustice in the mixed system of education itself, from which 1,700 clergymen of Ireland were conscientious dissentients. Now, what he (Sir J. Graham) confidently contended, and what the Earl of Derby contended on a former occasion, was, that if you departed from the system of mixed education—if you attempted to rectify what was deemed to be an injustice in that system, you must come to a system of separate grants, to be made in proportion to the population of Ireland; and he was much mistaken if the Established Church in Ireland would gain materially by such a mode of distribution. If the hon. Member for Oldham (Mr. W. J. Fox) had not pressed for some information on this subject, they would not have heard one syllable in reference to it that evening. He (Sir J. Graham) said he was responsible as a Minister for the share he took in that measure. The policy of it was to be traced directly to the fixed opinions of the Earl of Derby, who was its author; and until it should be declared to be the policy of the Government in regard to the distribution of this grant, which had been moved for by the hon. Secretary of the Treasury (Mr. Hamilton), notwithstanding his former hostility to it, without mentioning anything respecting the intention of the Government respecting it, to make an alteration in its mode of distribution; until a change should be proposed on the responsibility of Ministers with reference to the policy of education in Ireland, which policy had been hitherto regarded as that of the present Prime Minister, who was the author of the measure—until he heard such a proposition from the Ministerial side of the House, he would not press the quastion upon their attention. With respect to the distribution of patronage, the complaint on that head must apply to the last Government, and not to the Government of Sir Robert Peel; because, as he (Sir J. Graham) had stated on a former occasion, there were three bishops in Ireland who, if he mistook not, unfortunately, most unfortunately, were opposed to the system of mixed education; and although they were all three elevated to the bench by his late lamented Friend Sir Robert Peel, yet they used all their episcopal influence against the mixed system of education in Ireland.

VISCOUNT EBRINGTON said, when the right hon. Gentleman (Mr. Walpole) spoke of the exclusion of the clergy of the Established Church from all hope of preferment, he seemed to forget the enormous amount of patronage in the hands of the bishops of the Established Church in Ireland, and a great part of which had, in past times, been sedulously employed by them for the encouragement of resistance to that combined system of education which successive Governments, down to the present time, had thought it their duty to defend.

MR. LABOUCHERE would entreat the Government to consider whether what at first sight might appear to be a desirable alteration in the present system of education in Ireland could safely be made. They might depend upon it that that system was only carried on by mutual forbearance and compromise, and by the cooperation of good men, who were content to sink minor differences for the sake of promoting an object of such paramount importance. He could not avoid taking that opportunity of expressing his sense of the deep obligation this country was under to a lamented prelate now no more, who in his life was an example of every Christian virtue—Archbishop Murray. It was to the firmness as well as piety and active charity of that eminent man, that the success of this mixed education system was attributable. Let the Government beware how they touched the outworks of that edifice, without being sure that the whole fabric would not fall. They were treading upon ground of a most perilous and unsafe description.

MR. WALPOLE begged to say a few words in answer to what had fallen from the right hon. Baronet (Sir J. Graham), and from the hon. Member for Taunton (Mr. Labouchere). He (Mr. Walpole) was in the recollection of the Committee when he declared that not one word escaped from him by which it could be inferred that the combined system of education was intended to be superseded. On the contrary, he had already stated, in answer to a question put by the noble Lord the Member for the city of London (Lord John Russell), that there was no intention on the part of the Government to interfere with the open system of national education; but he said then what he had said to-night, that he thought when public grants of money were made for the purpose of education, it was but reasonable that every portion of the community should receive a share of that grant; and that it was worthy of consideration whether those who on account of their conscientious scruples were at present excluded from participating in that grant, should not be included in it in future. He had gone on to say that he did think it an injustice to the members of the Church of Ireland who conscientiously objected to that grant, to be excluded from it merely from the grounds upon which they were now prevented from participating in it. That was all he had said—["No, no!"]—at all events, that was all he had meant to convey; and he did not believe a word had ever fallen from him which would justify the inference that the Government had ever intended to supersede the present system of education in Ireland.

SIR JAMES GRAHAM said, he should be glad if the right hon. Gentleman would explain what was intended by the Government? The right hon. Gentleman had told the Committee what was not intended; but in a matter of this great importance, affecting as it did in the highest degree the feelings of the people of Ireland, it was desirable to know exactly what was intended. The right hon. Secretary of State for the Home Department had stated that at present there was an injustice in the system, and he (Sir J. Graham) wanted to know wherein was the injustice in the present distribution of the money. He had understood the right hon. Gentleman to say, that in his opinion, as now distributed under the mixed system, there was an injustice, and that that injustice ought to be remedied. It was not unreasonable, therefore, to ask the right hon. Gentleman if he were of opinion that there was a practical injustice, to what extent he intended to adhere to the system, and how he intended to include the members of the Established Church in the participation of this grant, the mixed system of education being retained.

MR. WALPOLE said, he could not do better than repeat the observation he had made to the noble Lord the Member for the city of London. He said then it was worthy of consideration whether some portion of that grant might not be applied to those members of the Established Church and others—for there were others in Ireland who objected equally with them—whether some portion of that grant might not be applied to those who, from conscientious motives, objected to the present mode of distribution. He had never intimated that there was any plan on the part of the Government as to the way in which it should be done; but he had said simply that it was a matter deserving of consideration. The term "injustice" he intended to apply to the refusal of preferment and patronage to persons merely on the ground that they would not give their adhesion to the mixed system of education in Ireland. That was an injustice of which he thought they had a right to complain; and in answer to the question of the right hon. Baronet, he might say that the remedy for that injustice was to distribute the patronage fairly amongst those who dissented from, at well as those who were in favour of, the combined system of national education in Ireland; and he believed that the patronage had been so distributed since Her Majesty's present Government had come into power.

MR. G. A. HAMILTON said, he was quite prepared to propose the Vote, under the impression that there was a full understanding in the Committee, in consequence of what fell from his right hon. Friend some time ago, that it was the intention of Government to take that Vote into their consideration, and to adopt some means of ascertaining whether the system which the right hon. Baronet (Sir J. Graham) had taken upon himself to assert was a united system, was a united system or not, for that was a point upon which great difference of opinion prevailed in Ireland. He was unwilling to enter into a discussion upon the subject, because he thought that, all things considered, it was not desirable that a discussion should be proceeded with on a question of this nature at that particular moment. He repeated, however, that he was quite willing to propose the Vote, upon the understanding, which he believed the Committee had come to, that the Government had signified an intention of taking means to ascertain whether this system was a combined system or not; and, further, of considering whether some mode might not be devised by which to remove the conscientious objections entertained by a considerable portion of the members of the Established Church in Ireland. With regard to the course which he himself had taken upon the question, he remembered stating in that House, on one occasion, that the national system of education in Ireland was one of the institutions of the country, and that, considering the number of schools in connexion with it, it would not be consistent with what was right and just to divide the House against it, but that he thought such modification might be introduced into it as, without subverting the system, would remedy the injustice of which a large proportion of the Protestant population of Ireland complained.

Mr. KEOGH said, that the hon. Gentleman who had just sat down, and his right hon. and learned Colleague in the representation of the University of Dublin, had hitherto been the most consistent and determined opponents of the national system of education; and now the hon. Gentleman said that he was in favour of a modification of that system. Now, that was exactly the same expression which was applied to every other subject, religious, social, commercial, or political, on which hon. Gentlemen opposite had to touch. He asserted that two-thirds of the Derbyite candidates in Ireland had distinctly pledged themselves—not to support national education as it existed—not to support Maynooth College—but actually to repeal the Ecclesiastical Titles Act of last Session. This, he would admit, was perhaps only a modification. But what was the modification that was wanted? He knew that Government dealt in negatives, and that they could enumerate a long catalogue of things they did not mean to do; but he wanted to know what they meant to do. He had heard that it was essential to have consistency in public men. It had been generally admitted that the noble Lord at the head of the Government had formed and marked out the present system of national education in Ireland. But when the hon. Gentleman the Member for the University of Dublin, and who was now the Secretary to the Treasury, had asked the House every Session to inquire into the national system, with a view to its total alteration; and on the last occasion that he did so the noble Lord then Member for King's Lynn, the late Lord George Bentinck, representing not only his own sentments but the opinions of his noble sire, was the eloquent and determined opponent of the Motion then made by the present Secretary to the Treasury, who was now moving the Vote of which he always had been the consistent opponent. That also was a modification. Well, then, if there was to be a modification in Maynooth, and in this most important matter to the people of Ireland—if they were to have every day and night perpetual modifications, and a Secretary of the Treasury saying one thing at Liverpool, while the First Lord of the Treasury was saying another thing in London, he would say there was no confidence to be placed in political men, and that the sooner a declaration was extracted from them of what they intended to do, the better it would be for the character of Parliament for their consistency and for the country.

Mr. WHITESIDE said, he considered that the worst argument that could be employed was the *argumentum ad hominem;* but as the hon. and learned Gentleman had criticised the consistency of his hon. Friend the Secretary to the Treasury, he would ask the hon. and learned Gentleman whether he had himself adhered to the line of politics which he had originally adopted; for if he did not greatly mistake, the hon. and learned Gentleman entered public life as a member of a Conservative body, and as a Conservative? A change, however, had "come o'er the spirit of his dream;" and the hon. and learned Gentleman, who had joined a totally opposite party, now advocated totally opposite principles with as much talent and as much honesty as he had formerly advocated Conservative principles. The right hon. Gentleman the Member for Ripon (Sir J. Graham), and the hon. and learned Gentleman, in their remarks, had used the term the people of Ireland. If the hon. and learned Gentleman meant to assert that he represented the entire population of Ireland, he must beg to dissent; and though he was desirous of paying due respect to the Roman Catholic people of Ireland, yet he must, at the same time, declare that the Protestant and Presbyterian part of Ireland were equally entitled to the attention of that House, for they represented a large proportion of the wealth, intelligence, and commerce of that part of the Empire. The late Sir Robert Peel appointed three members of the English Church to the prelacy in Ireland, and these three bishops were all of opinion that the national system of education ought to be reconsidered with a view of discovering some mode by which 1,700 members of the Established Church in Ireland might be able in their parish schools to read the Scriptures. Had the right hon. Gentleman (Sir J. Graham) read the debate on the question, he would have seen that one of the most learned of those prelates (the Bishop of Ossory) had not asked for a reversal of the system, but had recommended a reconsideration of it, so as to allow clergymen of the Established Church in Ireland to do as clergymen of the Established Church did in England. The right hon. Gentleman the Secretary of the Home Department had not disentitled himself to the respect of the Roman Catholic people of Ireland for what he desired to do. The right hon. Gentleman did not desire to withdraw a sixpence of the grant from the Roman Catholics; but he wished to devise some change which in his (Mr. Whiteside's) belief, if carried out, would improve the system both in Ireland and Scotland. He would beg to remind hon. Gentlemen, that out of the number of pupils in the national schools, there were between 36,000 and 40,000 pupils members of the Church of Rome.

MR. KEOGH said, he must beg leave to answer the statement made so openly by the hon. and learned Gentleman, that he (Mr. Keogh) had entered that House as a supporter of the Conservative party. Now he had very frequently heard that same statement made, but not at such a time and in such a manner as to permit him to give an explanation and contradiction. It ought to be known to the hon. and learned Gentleman, as it was certainly known to many hon. and right hon. Gentlemen whom he was addressing, that such a statement was wholly and entirely unfounded. The hon. Member for the University of Dublin (Mr. G. A. Hamilton) knew that the statement was untrue; he had the most entire and perfect reliance on that hon. Gentleman's honour, believing that no consideration would induce him to travel out of that line which conscience dictated, and truth enjoined. He (Mr. Keogh) entered that House at a peculiar time—he entered it when to be a supporter of the right hon. Baronet the late Sir Robert Peel was to place himself in a position of great unpopularity in Ireland. He believed he was the only man in the country who ventured to put himself in that position. He would, however, claim no merit on that ground. Conscience dictated to him the course he should pursue, and he followed that course. He placed prominently in his addresses, which appeared in every newspaper in Dublin, the fact that he avowed himself to be a distinct, direct, unequivocating supporter of the commercial and political policy recommended by that right hon. Baronet; and that right hon. Baronet having been driven from power by those hon. Gentlemen whom he saw opposite, by a combination which it was unnecessary then to describe, he was perfectly prepared to support the policy that right hon. Baronet advocated. He might say, the records of that House and the recollections of hon. Members would prove that to that commercial policy ever since he had entered that House he had firmly and continuously adhered; and further, that he had never given a vote in contravention of that policy. He should be sorry to recriminate with the hon. and learned Gentleman (Mr. Whiteside); but, as far as his policy and consistency were concerned, he would say for himself that he never was the person to go into private quarters and private circles, and hold himself out as the supporter of a policy he afterwards opposed. He did not profess in early life to be an advocate of a reform in the representation of the people. He never held out to the people that he preferred republican to monarchical principles. He did not go down amongst a portion of the people of Ireland, with whom republican principles were a matter of history, and hold himself out as a person prepared to carry those principles to their uttermost limit. He took his principles from a more moderate level. He saw the right hon. Baronet, Sir Robert Peel, was prepared to do justice to the people of Ireland, and he gave him his support. He now declared his honest conviction to be that the right hon. Baronet was worthy of support. He had sat in that House for five years, and the records of the House would bear out the assertion he now made. He had declared on entering that House, that he was a free-trader. He still adhered to that opinion; and if the hon. and learned Gentleman had reflected, he would not have dwelt on such topics, the more especially if he looked to the hon. Gentleman who sat on his left.

Mr. WHITESIDE said, that if the hon. and learned Member asserted that he (Mr. Whiteside) had ever expressed antimonarchical opinions at any time of his life, he could only tell him it was simply a fiction. He had always maintained monarchical principles. For the twenty years that he had practised at the bar, he had maintained what he considered true and sound Conservative opinions. The hon. and learned Gentleman had, as many of his countrymen had done before him, drawn, in what he had said, on his imagination for his facts.

Sir JOHN TYRELL said, he regretted that the debate had taken this personal turn, but he did not think that the hon. and learned Gentleman the Member for Athlone (Mr. Keogh) was entitled to lecture Her Majesty's Government, or Members on that, the Ministerial, side of the House, on modification of opinion, unless he could show some consistency in his own personal conduct. Now he had a strong recollection that the hon. and learned Gentleman, when he first entered the House, took his opinions from the moderate level of the Carlton Club. If that were so, why was he not now sitting on this side of the House? Besides, if he (Sir J. Tyrell) was not mistaken, the hon. and learned Gentleman looked up to a superior, and took his opinions from the Synod of Thurles, and his Holiness the Pope, who had denounced the system of mixed education which was so much patronised by the right hon. Gentleman the Member for Ripon (Sir J. Graham), and the Members of Her Majesty's late Government. If the Government felt that there was an injustice in a portion of Her Majesty's subjects being debarred by their conscientious opinions from sharing in the education grant, there was no inconsistency in their attempting to remedy the evil; and, certainly, a lecture came with an ill grace from the hon. and learned Gentleman, who was supposed to represent—he would not say a great boroughmonger, but at all events a gentleman who was anxious to send a number of Members to that House, among others the hon. and learned Member for Athlone. He could not congratulate hon. Gentlemen opposite on raising this debate at four o'clock in the morning— [An Hon. Member: It is only half-past twelve.] Well, as it was an Irish debate, it would probably last till that time, and that, too, when at an earlier period of the evening the leader of the Opposition had pressed upon the Government the necessity of expediting the public business.

Mr. CHISHOLM ANSTEY said, he must congratulate the hon. Baronet on being in advance of the time. It indicated a favourable change on the part of hon. Gentlemen on the opposite side of the House; but he certainly must say that the hon. Baronet was the last person in whom he could have expected so happy a phenomenon. But the hon. Baronet appeared to him intentionally to mislead the Committee as to the real question before them. The question they had to decide was not the consistency of hon. Members on either side of the House—the question was, What did Ministers mean? In the case of Protection, modification meant Free Trade, and it also meant the restoration of protection: for the noble Lord— [*A cry of* "Question!"] This was the question. The question was the meaning of "modification." He would refer them to the great lexicographer of the Protectionists — the Duke of Richmond. By modification, that noble individual understood the restoration of Protection, pure and simple. But the right hon. Gentleman the Chancellor of the Exchequer, who was a Free-trader, understood by "modification," the maintenance of Free Trade. Now, he wanted to know what was the meaning of the modification of the national education system as it was in Ireland? Did it mean a total repeal of that system, or its maintenance? The hon. and learned Solicitor General for Ireland had told them that it was unjust to withhold support from the 1,700 parsons in Ireland, each of whom had a school in which he taught the sacred Scriptures, according to the doctrines of the Established Church. Now there were 4,000 schools which were benefited by the grant; and if it was proposed to apply any portion of the grant to these 1,700 schools, he wished to know whether the Government intended to make any allowance to those Roman Catholics who, like the parsons to whom he had referred, were opponents to a mixed system of education, and had schools under their care which received no aid from the public treasury? If it was the intention of the Government to take any steps that would do damage to the present system of national education, he could assure them that the carrying out of such intention would be most displeasing to the great bulk of the people.

The CHANCELLOR OF THE EXCHEQUER said, he wished to remind the Committee of the question before them. That question was the Vote for the combined system of education in Ireland, and as that Vote had been proposed by the Government, and, as far as he could collect, hon. Gentlemen opposite were prepared to maintain that system, the best thing they could do in the present state of Parliament would be to support the Vote. A great deal had been said as to the intentions of the Government on this subject. He might be permitted to inform those hon. Members who had addressed the Committee, that when the Government had to propose any change in a subject of so much importance as that under consideration, they would not do so in a Committee of Supply. They were all anxious that the combined system of education should be properly supported; and whether they thought it should be permanent, or whether they were in favour of modifying it, they were all prepared at present to support it as it existed. It could not be supported without the passing of this Vote, and he therefore hoped the Committee would agree to it.

Vote *agreed to;* House resumed.

Chairman reported progress.

COMMON LAW PROCEDURE BILL.

Order for Second Reading read.

The ATTORNEY GENERAL moved the Second Reading of this Bill, which he said it was most important should be advanced a stage. He believed there was no objection to the principle, and the details of it, he suggested, should be discussed in Committee.

SIR ALEXANDER COCKBURN said, he must express his regret that one of the most important features in the measure, as recommended in the Report of the Commissioners, had been struck out of it, not in the House of Lords, but by certain authorities out of that House, to whom the Bill had been submitted. The feature to which he alluded was the provision for getting rid of what was technically known as forms of actions, which were, he believed, too often a stumbling-block in the way of justice. Notwithstanding this omission—which, however, a noble and learned Lord in the other House, whom he rejoiced to see again taking part in public discussions, had promised to introduce a Bill to supply—the measure was the most important improvement in the administration of public justice which had been mooted during the last half century. It must not be supposed that the duties of the Law Commissioners, of whom he was one, had terminated with the production of the Reports which formed the groundwork of the present Bill, and the Bill for the reform of the Court of Chancery. They had yet a good deal to do before they could remove all the technical difficulties which formed such serious obstacles to the due administration of justice. He believed that they should go further than they had yet ever attempted to go, and that they ought to appoint a further Commission—a mixed Commission of the Common Law and Equity members of the profession—for the purpose of inquiring into the propriety of amalgamating the two systems, and effecting a general codification of our laws. He had no hesitation in saying that those laws were at present in a state which was disgraceful to a civilised country. They were a sealed book to the subjects of the Realm, and it would require the whole life of a man to make himself acquainted with them. It was not enough that they should improve their procedure; they ought to codify their laws, which were scattered through the Statute-books, and which it required a lifetime to enable a man to become acquainted with.

Bill read 2°.

MASTER IN CHANCERY ABOLITION BILL.

Order for Second Reading read.

MR. WALPOLE moved the Second Reading of this Bill.

SIR ALEXANDER COCKBURN said, that several hon. and learned Members connected with the Court of Chancery, who were not then present, objected to the Bill in its present shape. The Bill had been mutilated and utterly spoilt by the Lord Chancellor. It was now a very different measure from that introduced in conformity with the recommendations of the Chancery Commissioners.

MR. WALPOLE said, he had no hesitation in saying that this measure, taken in connexion with the one which followed in the Orders of the Day, would effect a greater amount of practical good in the administration of Equity in this country than had been accomplished since the time of Lord Hardwicke. The Bill came before Parliament recommended by the Report of most able Commissioners, whose suggestions were confirmed by the Lord Chancellor, and sanctioned by all the law Lords in the Upper House. The Bill would, he believed, make that cheap which had hitherto been dear, and substitute rapidity for delay. Under these circumstances he felt justified in calling on the House to read the Bill a second time, and to defer the consideration of its details until it went into Committee. The hon. and learned Member for Southampton was not justified in saying that the Bill had been mutilated. He would undertake to say that no Chancery lawyer would get up and tell the House that the recommendations of the Commissioners in their Report were not fully, fairly, and substantially carried out. There were one or two deviations which had been alluded to by the right hon. Gentleman the Member for Ripon (Sir J. Graham) at the commencement of the evening. Since that allusion was made, he had spoken to those interested in the subject, and reference had been made to the Lord Chancellor, who, he might state, did not consider those variations as material to the principle of the Bill, regarding them as points which might fairly be considered in Committee; and he might state, that neither the Lord Chancellor nor the Government were going to take their stand upon such variations, in case the House should think fit to change the Bill in those respects. These two Bills were of much importance in three respects—as preventing expense and delay in bringing the cause to a hearing, in the conducting of the cause, and in the consequential inquiry on the hearing of the cause. In these three respects the recommendations of the Report of the Commissioners had been carried into effect; and he hoped this stage of the Bill would not be objected to, reserving to the hon. and learned Gentlemen opposite the fullest opportunity of considering the details of the measure in Committee.

SIR ALEXANDER COCKBURN said, he had no wish to throw any obstacle in the way of the Bill; but, having understood that it came far short of the recommendations of the Commissioners, all he wanted to suggest was, that it was an inconvenient hour to proceed with the debate. After what had fallen from his right hon. Friend, however, he would not further object to the second reading of the Bill.

SIR JAMES GRAHAM begged to express his earnest desire that this Bill should be read a second time. He had the honour of serving on the Commission from whose recommendations the Improvement of the Jurisdiction of Equity Bill and the present proceeded, and it was with much satisfaction he could state that the Report of that Commission was unanimously adopted, and that all their proceedings were conducted with the utmost cordiality. He was glad also to say, that these two Bills very fully and fairly, in his judgment, carried out the recommendations of the Commission. The right hon. Gentleman the Secretary of State had truly said that in both Bills there were certain things that appeared to be deviations from those recommendations—in both Bills something having been added, and something omitted; but, at the same time, seeing that communications had been made with the highest authorities in the law, and after the announcement made by the right hon. Home Secretary that recommendations would be favourably received by the Government, he was very sanguine in the expectation that before they went into Committee an adjustment might take place, which would enable the Commissioners to state that they were satisfied, not only in the main, but even with the particular shape assumed by these Bills. Surely, under those circumstances, it would be most desirable to give them a second reading, and thus assist in effecting a reform in the law which would confer honour on the Parliament that passed it, honour on the Government which proposed it, and in which he, for one, rejoiced that he had had the honour of sharing.

MR. JOHN STUART said, that to satisfy everybody on so difficult a subject was hardly to be hoped for; but that this Bill did in the main carry out the recommendations of the Commissioners, he thought that they might all now, on the assurance of the right hon. Baronet (Sir J. Graham) feel entirely satisfied. For his own part, he wished to express the gratitude that he felt to the Members of the Commission. He thought, indeed, that they might have gone further and done better; but he bowed to their authority, and accepted the measure which was founded on their recommendations.

Bill read 2°; as was also The Improvement of the Jurisdiction of Equity Bill.

BISHOPRIC OF CHRISTCHURCH (NEW ZEALAND) BILL—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate on Amendment proposed to Question [28th May], "That the Bill be now read a Second Time; and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. ADDERLEY said, that he was ready to make an omission in the Bill that would remove all the objections urged against it by the hon. and learned Member for Youghal (Mr. Anstey). The object of the Bill was simply to render valid the resignation of the Bishop of New Zealand of a portion of his diocese, out of which a new See was to be formed. The hon. and learned Gentleman objected that the terms of the Bill went beyond that intention, and would enable the Crown by Act of Parliament to make a new colonial bishop. He (Mr. Adderley) believed that some of the words might be made to bear that construction, and therefore he would be ready in Committee to omit them, so as to obviate the hon. and learned Member's objections.

MR. CHISHOLM ANSTEY said, that the alterations he desired were very material, and before he could consent to the second reading he must see the precise Amendment which the hon. Gentleman was willing to make. The Crown had now no ecclesiastical supremacy over the Colony; but the wording of this Bill would have the effect of indirectly establishing the supremacy.

MR. ADDERLEY could assure the hon. and learned Gentleman that he was perfectly willing that the Bill should only render valid the resignation. He would not go beyond that resignation, and would not touch the constitution of the new diocese. He would leave it to the Crown to constitute the See by Letters Patent at its pleasure.

MR. KEOGH said, he must remind the right hon. Chancellor of the Exchequer that he had promised that no business would be proceeded with at that late hour (quarter past one).

The CHANCELLOR OF THE EXCHEQUER said, that this was not a Government measure, and he had no control over it.

MR. SADLEIR said, he should move that the debate be adjourned.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 8; Noes 54: Majority 46.

Question again proposed:—Whereupon Motion made, and Question proposed, "That this House do now adjourn."

MR. ADDERLEY said, that he was willing wholly to carry out the views of the hon. and learned Gentleman (Mr. C. Anstey), and to remove the objections that he had stated to the Bill. But the proper time for doing so would be when the Bill got into Committee.

MR. CHISHOLM ANSTEY said, he would make this proposal. Let the Bill be postponed till to-morrow, and in the meantime the hon. Gentleman could consider the Amendments which he (Mr. C. Anstey) had put into his hands. He denied that, legally, there was any power in the Crown to make any See of New Zealand at all. The words "any law or custom to the contrary notwithstanding" should be struck out.

MR. WALPOLE said, the House might either pass the second reading at once, and leave this question to be dealt with in Committee, or might let the matter stand over, and then see whether the Amendments were necessary or not.

MR. ADDERLEY was ready to arrange the alterations in the Bill with the hon. and learned Member in private, so that it might now be read a second time.

The ATTORNEY GENERAL said, he could not consent to that arrangement after the principle stated by the hon. and learned Member for Youghal (Mr. C. Anstey), after the denial he had most distinctly made of the right of the Crown to appoint any bishops at all. [Mr. C. ANSTEY denied that he did so.] He could not accede to what he understood now to be the proposition of the hon. and learned Member, which would virtually amount to that denial, whatever the hon. and learned Member's opinion might be on the subject, and although he was fully aware of the importance of having this Bill passed, and of the absolute necessity of creating this new bishopric, he should feel it inconsistent with his duty, whatever might be the feeling of his hon. Friend (Mr. Adderley) behind him, if he were to consent to the alterations proposed, which would virtually be maintaining opinions to which he could not agree, and which he would not submit to or acknowledge. He should be willing to consent to certain alterations in the Bill that would obviate any fair objections to it, but he would not allow any alteration in regard to the principle of the Bill.

MR. S. CARTER said, he hoped that the hon. and learned Attorney General would find equal firmness on that (the Opposition side of the House. He, for one, was totally opposed to multiplying the number of bishops. As one opposed to an Established Church paid out of the revenues of the country, he should most strongly resist the extension to the Colonies of a system which he trusted to live to see abolished in this country.

MR. KEOGH said, after the hon. and learned Attorney General's speech and the constant use of the expression, "I will not allow," it was quite clear that this was a Government Bill. He was anxious not to inconvenience the right hon. Gentleman opposite, and he would, therefore, not press his Motion for the adjournment of the House.

The ATTORNEY GENERAL begged to explain. This was not the Bill of Her Majesty's Government at all, but of a private Member. When he stated that there were principles either to be abandoned or maintained, to which he could not give his assent, he said that, not as a member of the Government, but as an individual Member of the House.

Motion, by leave, *withdrawn:* Debate *further adjourned* till *To-morrow.*

The House adjourned at Two o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXI.

BEING THE THIRD VOLUME OF SESSION 1852.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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